

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTY-SEVENTH DAY — SUNDAY, APRIL 3, 2011

The house met at 4 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 252).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Solomons.

The invocation was offered by Representative Simpson.

The speaker recognized Representative Harper-Brown who led the house in the pledges of allegiance to the United States and Texas flags.

### UNFINISHED BUSINESS

The following bill was laid before the house as unfinished business:

#### **CSHB 1 ON SECOND READING (by Pitts)**

**CSHB 1**, General Appropriations Bill.

**CSHB 1** was read second time on April 1, and 174 amendments were offered and disposed of before that day's adjournment.

**Amendment No. 175**

Representative T. King offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 250

Amend **CSHB 1**, on page IV-32, by increasing strategy, B.1.6., Felony Prosecutors, Expenses, by \$11,950 in Fiscal Year 2012 and \$11,950 in Fiscal Year 2013 for the 293rd Judicial District out of the general revenue fund; and

Amend **CSHB 1**, on page I-50, Trusted Programs Within the Office of the Governor, by reducing strategy A.1.3. by \$11,950 in Fiscal Year 2012 and \$11,950 in Fiscal Year 2013.

**Amendment No. 176**

Representative Workman offered the following amendment to Amendment No. 175:

Amend Amendment No. 175 by T. King to **CSHB 1** (page 250 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

(1) In Article I of the bill, in the appropriations for the Truusted Programs Within the Office of the Governor, reduce the appropriation for the A.1.3. Strategy: Criminal Justice (page I-50) by \$407,181 for the state fiscal year ending August 31, 2012, and \$407,181 for the state fiscal year ending August 31, 2013.

(2) In Article I of the bill, in the appropriations to the Commission on State Emergency Communications, increase the appropriations for Strategy A.1.1., 9-1-1 Network Operation and Equipment Replacement (page I-29), by \$407,181 for the state fiscal year ending August 31, 2012, and by \$407,181 for the state fiscal year ending August 31, 2013.

(3) In Article I of the bill, following the appropriations to the Commission on State Emergency Communications, add the following appropriately numbered rider:

\_\_\_\_. Certain Regional Planning Commission. Out of the amounts appropriated above in Strategy A.1.1., 9-1-1 Network Operation and Equipment Replacement, the Commission on State Emergency Communications shall allocate to the regional planning commission that contains the seat of government for the state \$407,181 for the state fiscal year ending August 31, 2012, and \$407,181 for the state fiscal year ending August 31, 2013, for the purpose of continuing to operate each public service answering point in the regional planning commission that would otherwise cease to operate due to a reduction in the regional planning commission's budget.

Amendment No. 176 was adopted.

Amendment No. 175, as amended, was adopted.

**Amendment No. 177**

Representative Zedler offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 251

Amend **CSHB 1** as follows:

(1) On page IV-33 of the bill pattern, strike D.1.4. Strategy: PUBLIC INTEGRITY UNIT, TRAVIS CO, and renumber accordingly.

(2) On page IV-34 of the bill pattern, strike Rider 38, Public Integrity Unit: Appropriation Source, Unexpended Balances, and Performance Reporting, and renumber accordingly.

Contingent upon passage of **HB 1928**, or similar legislation, amend **CSHB 1** as follows:

(3) In Article I, Office of the Attorney General, on page \_\_\_\_, add a new goal to read as follows and number and insert the letter accordingly:

"\_\_\_\_. Goal: SPECIAL PROGRAMS. \_\_\_\_\_.1.1. Strategy: PUBLIC INTEGRITY UNIT."

(4) In Article I, Office of the Attorney General, on page \_\_\_\_, add a line item and authorize General Revenue appropriations in the amount of \$3,368,684 in each fiscal year for Strategy \_\_\_\_\_.1.1, PUBLIC INTEGRITY UNIT, and number and insert the letter accordingly.

(5) In Article I, Office of the Attorney General, on page \_\_\_\_, add a new rider to read as follows and number it accordingly:

"\_\_\_\_. Public Integrity Unit. The Public Integrity Unit, Office of the Attorney General, shall submit a report each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The report must be in a format prescribed by the Legislative Budget Board and the Governor and must include annual statistical information on fraud investigations of the Public Integrity Unit."

Amendment No. 177 was withdrawn.

### **Amendment No. 178**

On behalf of Representative Hartnett, Representative Otto offered the following amendment to **CSHB 1**:

Floor Packet Page No. 252

On page IV-40 of the bill pattern for Special Provisions - Judiciary, add the following new rider:

\_\_\_\_\_. Contingency Appropriation for **HB 2174**. Contingent on passage of **HB 2174**, or similar legislation relating to the establishment of the judicial access and improvement account to provide funding for basic civil legal services, indigent defense, and judicial technical support through certain county service fees and court costs, by the Eighty-second Legislature, Regular Session, in addition to amounts appropriated elsewhere in this Act, there is hereby appropriated out of the fee revenue generated due to implementation of provisions of the **HB 2174** the following amounts:

a. \$3,500,000 in each fiscal year to the Office of Court Administration in Strategy A.2.1, Indigent Defense from the General Revenue-Dedicated Fair Defense Account No. 5073 to restore grants to counties.

In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority

provided above to be within the amount of revenue expected to be available. Further, in the event that actual receipts or revenue collections generated by enactment of **HB 2174**, or similar legislation, are in excess of the amounts appropriated by this provision, these amounts are appropriated for the purposes of basic civil legal services, indigent defense, and judicial technical support.

Any unexpended balances remaining as of August 31, 2012, out of appropriations herein are hereby appropriated to the respective agency or court for the fiscal year beginning September 1, 2012, for the same purposes.

Amendment No. 178 was withdrawn.

#### **Amendment No. 179**

Representative Thompson offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 253

Amend **CSHB 1** (house committee printing) in Article IV of the bill, following the Special Provisions - Judiciary, by adding the following appropriately numbered rider to the bill:

\_\_\_\_\_. Contingent Appropriation for **HB 2502**. (a) Contingent on the enactment of **HB 2502** or similar legislation of the 82nd Legislature, Regular Session, relating to the fees collected by district court clerks on the filing of certain civil actions or proceedings to fund basic civil legal services, in addition to the other amounts appropriated in this Act, from the fee revenue generated from implementing **HB 2502**, \$3,300,000 is appropriated to the Supreme Court of Texas for Strategy B.1.1., Basic Civil Legal Services, in each state fiscal year of the biennium ending August 31, 2013.

(b) If the actual or projected revenue collections are insufficient to offset the money appropriated under Subsection (a) of this rider, the Legislative Budget Board may direct the comptroller of public accounts to reduce the amount of the appropriation to equal the estimated available revenue. If the actual receipts or revenue collections generated by the enactment of **HB 2502**, or similar legislation, exceed the amount appropriated under Subsection (a) of this rider, the amount that exceeds the amount appropriated under Subsection (a) is appropriated to the Supreme Court of Texas for Strategy B.1.1., Basic Civil Legal Services, in each state fiscal year of the biennium ending August 31, 2013.

(c) Of the appropriations made under Subsections (a) and (b) of this rider, any unexpended balances remaining on August 31, 2012, are appropriated to the district court that collected the fee under **HB 2502** for the state fiscal year beginning September 1, 2011, for basic civil legal services.

Amendment No. 179 was withdrawn.

#### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of a flight delay:

Solomons on motion of Alvarado.

**CSHB 1 - (consideration continued)****Amendment No. 180**

Representative Madden offered the following amendment to **CSHB 1**:

Floor Packet Page No. 265

Amend **CSHB 1** in Article V of the bill, in Rider No. 9, page V-15 by adding the following: No compression raise may be granted as a result of the salary adjustment authorized in this article.

Amendment No. 180 was adopted.

**Amendment No. 181**

Representative Madden offered the following amendment to **CSHB 1**:

Floor Packet Page No. 266

Amend **CSHB 1** in Article V of the bill, in Rider No. 10, page V-15, change the following: the appropriations to the Department of Criminal Justice by changing the word "may" in the first sentence to "shall" and removing "and employees residing in employee dormitories may receive three free meals per day."

Amendment No. 181 was adopted. (White recorded voting no.)

**Amendment No. 182**

Representative Madden offered the following amendment to **CSHB 1**:

Floor Packet Page No. 267

Amend **CSHB 1** in Article V, page V-16, of the bill, in Rider No. 12 by removing d. and adding the following language: "The state-owned housing at the Department of Criminal Justice shall be a cost recovery program. The total fees charged to employees shall at least cover the cost of maintenance and utilities.

Amendment No. 182 was adopted. (White recorded voting no.)

**Amendment No. 183**

Representative Madden offered the following amendment to **CSHB 1**:

Floor Packet Page No. 268

Amend **CSHB 1** on page V-20 by substituting the phrase "Correctional Managed Health Care Committee" for "Department of Criminal Justice" at any point in provision 37 entitled "Managed Health Care - Reporting Requirements." Similarly, on pages V-23 and V-24, in provision 57 entitled "Correctional Managed Health Care Payment Limitations," at any point where the phrase "Department of Criminal Justice" appears, substitute the phrase "Correctional Managed Health Care Committee," though where the phrase "Department of Criminal Justice's Health Services Division" appears, that language is to remain as is. Delete provisions 54 and 55 on page V-22.

**Amendment No. 184**

Representative Madden offered the following amendment to Amendment No. 183:

Amend Floor Amendment No. 183 by Madden to **CSHB 1** (page 268, prefiled amendment packet) as follows:

(1) Strike the last sentence of the amendment and substitute "Delete Rider No. 55 on Page V-22."

(2) Add a second paragraph to the amendment to read as follows:

Amend **CSHB 1** (the General Appropriations Act) in Article V of the bill under the appropriations to the Department of Criminal Justice by striking rider 54 (page V-22) and substituting the following:

54. Managed Health Care Staff Loan Repayment. Contingent on the enactment and becoming law of **HB 1908** or similar legislation of the 82nd Legislature, Regular Session, from the amounts appropriated above in Strategies C.1.7., Psychiatric Care, C.1.8., Managed Health Care—Unit Care, C.1.9., Managed Health Care—Hospital Care, and C.1.10, Managed Health Care—Pharmacy, the Department of Criminal Justice may use funds for loan repayment assistance for medical and mental health care staff.

Amendment No. 184 was adopted.

Amendment No. 183, as amended, was adopted.

**Amendment No. 185**

Representative Madden offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 270

Amend **CSHB 1**, Article V, page V-11, Strategy C.1.5., Department of Criminal Justice by adding the Inmate Package Program. The Department shall institute an inmate package program to allow family members and friends to purchase and ship gifts to inmates through authorized vendors. The program shall be open to all qualified vendors who can demonstrate the proper package security and background checks of employees.

(a) Qualified vendors must agree to dedicate a percent of all purchases made through the inmate package program to the credit of the State's General Fund. The percent will be determined by the Texas Board of Criminal Justice.

(b) No later than September 1, 2011, the Texas Department of Criminal Justice shall institute the inmate package program.

Amendment No. 185 was adopted.

**Amendment No. 186**

Representative Madden offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 269

Amend **CSHB 1** in Article V of the bill, Rider 54, page V-22 contingent upon passage of **HB 1908**, by removing the rider.

Amendment No. 186 was withdrawn.

**Amendment No. 187**

Representative Madden offered the following amendment to **CSHB 1**:  
 Floor Packet Page No. 271

Amend **CSHB 1**, Article V, page V-24, add the following: contingent on the passage of **HB 3386**, allocate additional funds, received as a result of the annual inmate fee, to the cost of correctional health care Strategy C.1.8.

**Amendment No. 188**

Representative Madden offered the following amendment to Amendment No. 187:

Amend Amendment No. 187 by Madden to **CSHB 1** (page 271 of the prefiled amendment packet), by striking the language on lines 2 through 4 and substituting the following:

Contingent on the passage of **HB 3386** or similar legislation enacted by the 82nd legislature, allocate:

(1) additional funds received as a result of imposing an annual inmate fee to the cost of correctional health care Strategy C.1.8; and

(2) 50 percent of any adult correctional savings in the 2012-2013 biennium achieved through provisions other than a provision imposing an annual inmate fee in equal proportion to Article V, Strategies A.1.2, A.1.3, and A.1.4.

Amendment No. 188 was adopted.

Amendment No. 187, as amended, was withdrawn.

**Amendment No. 189**

Representative Madden offered the following amendment to **CSHB 1**:  
 Floor Packet Page No. 274

On page V-XX of **CSHB 1**, add the following rider:

X. Contingency Rider for the Creation of the Juvenile Justice Department. Contingent upon the passage and enactment of **SB 653**, relating to the creation of the Juvenile Justice Department, or similar legislation, by the Eighty-second Legislature, Regular Session, 2011, all funds appropriated herein to the Texas Youth Commission and Juvenile Probation Commission are to be transferred to the Juvenile Justice Department in the following bill pattern:

	<u>2012</u>	<u>2013</u>
<b>A. Goal: Community Juvenile Justice</b>		
A.1.1. Community Supervision	\$ XX	XX
A.1.2. Post-adjudication Facilities	XX	XX
A.1.3. Juvenile Justice Alternative Education Programs	XX	XX
A.2.1. Training and Certification	XX	XX
A.2.2. Monitoring and Inspections	XX	XX
<b>Total Goal A: Community Juvenile Justice</b>	\$ XX	XX
<b>B. Goal: State Services and Facilities</b>		
B.1.1. Assessment and Orientation	\$ XX	XX
B.1.2. Facility Operations	XX	XX

B.1.3. Education	XX	XX
B.1.4. Halfway House Operations	XX	XX
B.1.5. Health Care	XX	XX
B.1.6. Mental Health (Psychiatric) Care	XX	XX
B.1.7. General Rehabilitation Treatment	XX	XX
B.1.8. Specialized Rehabilitation Treatment	XX	XX
B.1.9. Contract Capacity	XX	XX
B.1.10. Parole Services	XX	XX
B.2.1. Office of the Inspector General	XX	XX
B.2.2. Office of the Independent Ombudsman	XX	XX
B.2.3. Health Care Oversight	XX	XX
B.2.4. Interstate Agreement	XX	XX
<b>Total Goal B: State Service and Facilities</b>	\$ XX	XX
<b>C. Goal: Indirect Administration</b>		
C.1.1. Central Administration	\$ XX	XX
C.1.2. Information Resources	XX	XX
<b>Total Goal B: State Service and Facilities</b>	\$ XX	XX

The Legislative Budget Board and the Governor's Office of Budget, Planning and Policy, shall work together to perfect the bill pattern of the consolidated agency, ensuring that it reflects the above structure.

The riders included in the bill patterns of the Juvenile Probation Commission and the Texas Youth Commission are to be added to the bill pattern of the consolidated Juvenile Justice Department, with all references to either the Juvenile Probation Commission or the Texas Youth Commission replaced with the Juvenile Justice Department, with the addition of the following riders:

A.

Amendment No. 189 was withdrawn.

#### **Amendment No. 190**

On behalf of Representative McClendon, Representative Otto offered the following amendment to **CSHB 1**:

Floor Packet Page No. 275

Amend **CSHB 1** (house committee printing) in Article V of the bill, following the appropriations to the JUVENILE PROBATION COMMISSION, in Rider 2 (page V-30), to read: Restrictions, State Grants ~~Aid~~. None of the funds appropriated above and allocated to local juvenile probation boards shall be expended for salaries or expenses of juvenile board members. None of the funds appropriated above and allocated to local juvenile probation boards shall be expended for salary increases of existing personnel in an amount greater than 12% of the previous year without approval of TJPC. ~~salaries of personnel that exceed 112% of the previous year.~~

Amendment No. 190 was withdrawn.

#### **Amendment No. 191**

Representative Menendez offered the following amendment to **CSHB 1**:

Floor Packet Page No. 277

Amend **CSHB 1** Article V as follows:

On page V-36 of the bill pattern for the Department of Public Safety in Rider 41 insert the following changes: From funds appropriated above, ~~the Texas Division of Emergency Management~~ in Strategy ~~D.1.5 A.1.4~~, Local Border Security, ~~the Texas Division of Emergency Management~~ within the Department of Public Safety (DPS)'s bill pattern, is appropriated \$40,804,714 in fiscal years 2010-11 in General Revenue Dedicated Operators and Chauffeurs License Account No. 099, shall use \$20,042,101 in fiscal year 2012 and \$20,042,101 in fiscal year 2013 for the following border security expenditures:

(a) ~~\$7,000,000 to the Department of Public Safety~~ to fund DPS troopers along the border; ~~in addition to the amount of full time equivalent positions listed elsewhere in this Act the number of full time equivalent positions for the Department of Public Safety is increased by 56;~~

(b) ~~\$1,853,676 to the Department of Public Safety~~ to fund Texas Ranger positions; ~~in addition to the amount of full time equivalent positions listed elsewhere in this Act the number of full time equivalent positions for the Department of Public Safety is increased by 10;~~

(c) ~~\$21,951,038~~ for overtime and operational costs for increased patrol and investigative capacity for certified peace officers, certified part time peace officers, law enforcement support personnel (DPS and local), following the DPS overtime policy; and operational costs, per diem, and travel expenses for Texas Military Forces.

(d) ~~\$9,000,000 shall be used~~ for the operations of the Border Operations Center and the Joint Operations and Intelligence Centers; and

(e) ~~\$1,000,000 shall be used~~ for the operations of the Rio Grande Valley Border Security and Technology Training Center.

Out of funds appropriated, on or before December 15th of each year, the Department of Public Safety ~~and the Texas Division of Emergency Management~~ shall submit a report to the Legislative Budget Board and the Governor's Office on the expenditure of funds provided to local law enforcement agencies.

Prior to the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall be notified. As soon as possible after the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall receive written notification on the operational plans.

Any unexpended balances from appropriations listed above that are remaining as of August 31, ~~2010-2012~~ are hereby appropriated for the fiscal year beginning September 1, ~~2010-2012~~ for the same purpose(s).

Re-number the paragraphs accordingly.

Amendment No. 191 was withdrawn.

### **Amendment No. 192**

Representative D. Miller offered the following amendment to **CSHB 1**:

Floor Packet Page No. 279

Amend **CSHB 1** (house committee printing) in Article V, in Rider 41 (page V-46), in Paragraph c., in the parenthetical between "DPS" and "and local", by inserting ", Parks and Wildlife Department,".

Amendment No. 192 was withdrawn.

**Amendment No. 193**

Representatives Riddle and D. Miller offered the following amendment to **CSHB 1**:

Floor Packet Page No. 280

Amend **CSHB 1** (house committee printing) in Rider 41.c. following the appropriations to the Department of Public Safety (page V-46), by striking "(DPS and" and substituting "(DPS, Parks and Wildlife Department, and".

Amendment No. 193 was adopted.

**Amendment No. 194**

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 282

Amend **CSHB 1** (house committee printing) in Article V by adding the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

Privacy; Priority Use of DPS Databases. The Department of Public Safety shall prioritize the use of its criminal history information system such that all felony and misdemeanor information is maintained as provided by law. None of the funds appropriated above for purposes of maintaining criminal history information shall be used to maintain personal identifying information of individuals who have been stopped for moving violations but not charged or issued a citation.

Amendment No. 194 was adopted.

**Amendment No. 195**

Representative Madden offered the following amendment to **CSHB 1**:

Floor Packet Page No. 284

Amend **CSHB 1**, Article V, Texas Youth Commission, page V-47 through V-53, Texas Youth Commission lease terminations. The reduction in appropriations to the Texas Youth Commission will result in consolidations of staffing and physical plant for cost effectiveness. Texas Youth Commission is hereby authorized to terminate leases during the FY 2012-13 biennium to close district and other offices as needed. Texas Youth Commission shall work with the Texas Facility Commission to execute timely lease terminations consistent with organizational changes and closures resulting from reduced appropriations.

Amendment No. 195 was withdrawn.

**Amendment No. 196**

Representative Madden offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 286

Amend **CSHB 1** in Article V of the bill, Texas Youth Commission, page V-51, Rider No. 5, by deleting the rider.

Amendment No. 196 was withdrawn.

**Amendment No. 197**

Representative Menendez offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 277

Amend **CSHB 1** Article V as follows:

On page V-36 of the bill pattern for the Department of Public Safety in Rider 41 insert the following changes: From funds appropriated above, ~~the Texas Division of Emergency Management~~ in Strategy ~~D-1.5-A.1.4~~, Local Border Security, ~~the Texas Division of Emergency Management~~ within the Department of Public Safety (DPS)'s bill pattern, is appropriated ~~\$40,804,714 in fiscal years 2010-11 in General Revenue Dedicated Operators and Chauffeurs License Account No. 099~~, shall use \$20,042,101 in fiscal year 2012 and \$20,042,101 in fiscal year 2013 for the following border security expenditures:

(a) ~~\$7,000,000 to the Department of Public Safety to fund DPS troopers along the border; in addition to the amount of full time equivalent positions listed elsewhere in this Act the number of full time equivalent positions for the Department of Public Safety is increased by 56;~~

(b) ~~\$1,853,676 to the Department of Public Safety to fund Texas Ranger positions; in addition to the amount of full time equivalent positions listed elsewhere in this Act the number of full time equivalent positions for the Department of Public Safety is increased by 10;~~

(c) ~~\$21,951,038~~ for overtime and operational costs for increased patrol and investigative capacity for certified peace officers, certified part time peace officers, law enforcement support personnel (DPS and local), following the DPS overtime policy; and operational costs, per diem, and travel expenses for Texas Military Forces.

(d) ~~\$9,000,000 shall be used~~ for the operations of the Border Operations Center and the Joint Operations and Intelligence Centers; and

(e) ~~\$1,000,000 shall be used~~ for the operations of the Rio Grande Valley Border Security and Technology Training Center.

Out of funds appropriated, on or before December 15th of each year, the Department of Public Safety ~~and the Texas Division of Emergency Management~~ shall submit a report to the Legislative Budget Board and the Governor's Office on the expenditure of funds provided to local law enforcement agencies.

Prior to the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall be notified. As soon as possible after the execution of a significant border

security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall receive written notification on the operational plans.

Any unexpended balances from appropriations listed above that are remaining as of August 31, ~~2010~~ 2012 are hereby appropriated for the fiscal year beginning September 1, ~~2010~~ 2012 for the same purpose(s).

Renumber the paragraphs accordingly.

#### **Amendment No. 198**

Representative Menendez offered the following amendment to Amendment No. 197:

Amend Amendment No. 197 to **CSHB 1** (page 277 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1**, in Article V of the bill, Rider No. 41 (page V-45 and V-46), as follows:

(1) In the first paragraph of the rider, strike "the Texas Division of Emergency Management" and substitute "the Texas Rangers Division".

(2) In Subsection c. of the rider between "peace officers" and "(DPS and local)" by adding ", certified part time peace officers, and law enforcement support personnel".

Amendment No. 198 was adopted.

Amendment No. 197, as amended, was adopted. (Weber recorded voting no.)

#### **Amendment No. 199**

Representative Madden offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 287

Amend **CSHB 1** in Article V, page V-52, of the bill, in Rider No. 13 by adding the following language: "The state-owned housing at the Texas Youth Commission shall be a cost recovery program. The total fees charged to all employees shall at least cover the cost of maintenance and utilities.

Amendment No. 199 was adopted.

#### **Amendment No. 200**

Representative Hamilton offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 288

Amend **CSHB 1**, following the appropriations to the Texas Youth Commission in Article V of the bill (page V-51), by adding the following appropriately numbered rider:

\_\_\_\_\_. Inspire, Encourage, Achieve. Notwithstanding the appropriation made under Strategy C.1.1, General Rehabilitation Treatment, the amount of that appropriation is reduced by \$400,000, and an appropriation is made to Inspire, Encourage, Achieve in the amount of \$400,000 for the state fiscal biennium ending August 31, 2013.

Amendment No. 200 was withdrawn.

### **Amendment No. 201**

Representative Chisum offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 292

1. On page \_\_\_\_ of the bill pattern for the Texas Department of Agriculture, add the following appropriately numbered new rider:

\_\_\_\_\_. Appropriations: Hostable Cotton Fee. In addition to the amounts appropriated above, any fees collected in accordance §74.0032, Texas Agriculture Code, in FY 2012 and FY 2013 are hereby appropriated from general revenue to Strategy A.1.3. Strategy: Integrated Pest Management, for the purpose of cotton stalk destruction regulatory activities.

### **Amendment No. 202**

On behalf of Representative Darby, Representative Chisum offered the following amendment to Amendment No. 201:

Amend the Chisum amendment to **CSHB 1** (page 292, amendment packet) by making the following modification:

Appropriations: Hostable Cotton Fee. In addition to the amounts appropriated above, any fees collected in accordance §74.0032, Texas Agriculture Code, in excess of amounts for the applicable object code contained in the Comptroller of Public Accounts' Biennial Revenue Estimate in FY 2012 and FY 2013 are hereby appropriated from General Revenue to Strategy A.1.3, Strategy: Integrated Pest Management, for the purpose of cotton stalk destruction regulatory activities.

Amendment No. 202 was adopted.

Amendment No. 201, as amended, was adopted.

### **Amendment No. 203**

Representative Martinez offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 294

Amend **CSHB 1** in Article VI of the bill, following the appropriations to the Texas Department of Agriculture (page VI-9), by adding the following appropriately numbered rider:

\_\_\_\_\_. Contingent Increase of Number of Full-Time-Equivalents. Contingent on the receipt of a gift or grant to pay costs incurred by the department in performing its functions, the Texas Department of Agriculture may increase its number of full-time-equivalents to the extent that the grant or gift is allocated for salary costs. A full-time-equivalent authorized under this rider may not be

counted against the number of full-time-equivalents allowed to the department under this Act. The department shall report any additional full-time-equivalent positions authorized under this rider to the Comptroller of Public Accounts, the Legislative Budget Board, and the Governor before filling the position.

Amendment No. 203 was adopted.

**Amendment No. 204**

Representative Burnam offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 301

Amend **CSHB 1** in Article VI of the bill, page VI-21, by amending Texas Commission on Environmental Quality Rider 26 as follows:

(a) strike "\$583,289" and substitute "\$100,000";

(b) strike "The TCEQ shall use these funds in Strategy A.3.1, Radioactive Materials Management, to operate the Low-Level Radioactive Waste and Radioactive Materials Management programs" and substitute "These funds shall be provided to the TLLRWDC for additional operating costs once the low-level waste disposal site in Andrews County becomes operational"; and

(c) strike "None of these additional funds shall be used to pay for costs related to "full-time equivalent (FTE)" positions" and substitute "The TCEQ, upon completion of necessary actions to assess or increase fees to be deposited to the Low-Level Waste Account No. 88, shall furnish copies of the TCEQ's minutes and other information supporting the estimated revenues to be generated for the 2012-13 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes".

Amendment No. 204 was withdrawn.

**Amendment No. 205**

Representative Giddings offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 309

Rider xx. Improved Methodology for Calculation of Royalties on Flared and Vented Gas. It is the intent of the Legislature for the General Land Office to work with the Commission on Environmental Quality, the Railroad Commission, and the Comptroller of Public Accounts to attempt to identify and develop an improved methodology that ensures accurate measurement and/or estimation of the actual amount of vented and flared gas on state leases, and appropriate calculation of royalties to maximize revenues to the state. Any improved methods should reflect current knowledge about emissions and up-to-date best practices to most accurately determine the amount of gas vented and flared. The General Land Office shall implement any identified methodology improvements no later than December 31, 2011. The General Land Office shall provide notice and guidance to producers as needed to ensure compliance.

Amendment No. 205 was withdrawn.

**Amendment No. 206**

Representative Geren offered the following amendment to **CSHB 1**:

Floor Packet Page No. 314

Amend **CSHB 1** on page VI-xxx (Texas Parks and Wildlife Department) by inserting the appropriately-number rider and renumbering any subsequent riders accordingly.

\_\_\_\_\_. Receipts from the Sale of Eagle Mountain Lake. Proceeds previously received by the Texas Parks and Wildlife Department from the sale of Eagle Mountain Lake State Park (\$9,266,191) shall be held in a dedicated sub-account within General Revenue Dedicated Account 64 for future acquisition and development of a park site to replace Eagle Mountain Lake State Park.

Amendment No. 206 was adopted.

**Amendment No. 207**

Representative Workman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 321

Amend **CSHB 1** as follows:

(1) Under the Article VI appropriations to the Railroad Commission, add the following appropriately numbered rider:

\_\_\_\_\_. Contingency for **HB 1273**. Contingent on **HB 1273**, 82nd Legislature, Regular Session, 2011, or other similar legislation relating to the regulation of propane utility companies, being enacted and becoming law:

(1) the general revenue appropriations for Strategy A.2.1, Gas Utility Compliance, are increased by \$150,000 for the fiscal year ending August 31, 2012, and increased by \$150,000 for the fiscal year ending August 31, 2013; and

(2) the general revenue appropriations for Strategy A.3.1, Promote Alternative Energy Resource, are reduced by \$150,000 for the fiscal year ending August 31, 2012, and reduced by \$150,000 for the fiscal year ending August 31, 2013.

(2) Adjust the article totals and methods of financing accordingly.

Amendment No. 207 was withdrawn.

**Amendment No. 208**

On behalf of Representative McClendon, Representative Darby offered the following amendment to **CSHB 1**:

Floor Packet Page No. 338

Amend **CSHB 1** (house committee printing) in Article VII of the bill, following the appropriations to the Texas Department of Transportation, in Rider 43 (page VII-35), by striking "Department of Transportation for implementation of the Texas Rail Plan" and substituting "Texas rail relocation and improvement fund for implementation of the Texas Rail Plan. To the extent that such federal funding is identified, but requires the matching by or commitment of state dollars, an amount not to exceed \$50 million is allocated, for fiscal years 2012 and 2013,

to the Texas rail relocation and improvement fund for such purpose from any amounts appropriated above to the Texas Department of Transportation that are not constitutionally dedicated for some other purpose".

Amendment No. 208 was adopted.

**Amendment No. 209**

Representative Raymond offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 298

Amend **CSHB 1**, in the Article VI appropriations, following the appropriations to the Texas Commission on Environmental Quality, in Subsection (a) of Rider 9 (page VI-22), by striking "24-month" and substituting "six-month".

**Amendment No. 210**

Representative Darby offered the following amendment to Amendment No. 209:

Amend Amendment No. 209 to **CSHB 1** by Raymond (prefiled amendments packet, page 298) as follows:

(1) On page 1, lines 3 through 4 of the amendment, strike "Rider 9 (page VI-22)" and substitute "Rider 33 (pages VI-22 through VI-23)".

(2) On page 1, line 4 of the amendment, strike "substituting "six-month"." and substitute "substituting "18-month".".

Amendment No. 210 was adopted.

Amendment No. 209, as amended, was adopted.

**Amendment No. 211**

Representative Coleman offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 326

Amend **CSHB 1** as follows:

(1) In Article VII, page \_\_\_\_, reduce general revenue funding for the Texas Lottery Commission, Strategy A.1.8, Mass Media Advertising by \$7,184,949 in FY2012 and by \$7,184,950 in FY2013.

(2) Increase funding in Article III, page \_\_\_\_, strategy B.1.4, Educational Aide Program, by \$7,184,949 in FY2012 and by \$7,184,950 in FY2013.

Amend **CSHB 1**, Article III Higher Education Coordinating Board to add the following appropriately numbered rider:

\_\_\_\_: Educational Aide Program. The amounts appropriated above in Strategy B.1.4, Educational Aide Program, shall be expended by the Higher Education Coordinating Board so as to ensure priority for persons who have previously been awarded a tuition exemption in order that they may complete teacher certification. Any balances on hand at the end of fiscal year 2012 may be carried over to fiscal year 2013 and any such funds are appropriated for fiscal year 2013 for the same purpose.

Amendment No. 211 was withdrawn.

**Amendment No. 212**

Representative Alonzo offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 342

Amend **CSHB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

\_\_\_\_\_. Proposed Dallas Streetcar Line. It is the intent of the 82nd Legislature of the State of Texas to express support for and urge the Texas Department of Transportation to provide funding for the promotion of economic development through the construction by the City of Dallas of a streetcar line connecting downtown Dallas and Oak Cliff.

Amendment No. 212 was withdrawn.

**Amendment No. 213**

Representative Giddings offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 309

Rider xx. Improved Methodology for Calculation of Royalties on Flared and Vented Gas. It is the intent of the Legislature for the General Land Office to work with the Commission on Environmental Quality, the Railroad Commission, and the Comptroller of Public Accounts to attempt to identify and develop an improved methodology that ensures accurate measurement and/or estimation of the actual amount of vented and flared gas on state leases, and appropriate calculation of royalties to maximize revenues to the state. Any improved methods should reflect current knowledge about emissions and up-to-date best practices to most accurately determine the amount of gas vented and flared. The General Land Office shall implement any identified methodology improvements no later than December 31, 2011. The General Land Office shall provide notice and guidance to producers as needed to ensure compliance.

Amendment No. 213 was adopted. (The vote was reconsidered later today, and Amendment No. 213 was amended by Amendment No. 242 and was tabled by Record No. 255.)

**Amendment No. 214**

Representative Alonzo offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 343

Amend **CSHB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

\_\_\_\_\_. Offer of Certain Real Property to Nonprofit Corporation. (a) In this section, "nonprofit corporation" means a corporation governed as a nonprofit corporation under the Business Organizations Code.

(b) It is the intent of the legislature that the Texas Department of Transportation is authorized to take title to unusable remainder real property not to be used for right-of-way purposes as part of the acquisition, from funds appropriated to the department, of real property for right-of-way purposes.

(c) Notwithstanding Section 202.021, Transportation Code, the Texas Department of Transportation shall offer the real property described by Subsection (b) to a nonprofit corporation designated by the municipality in which the real property is located or, if the real property is not located in a municipality, by the county in which the real property is located, without cost or expense to the designated nonprofit corporation.

(d) Property acquired under this section by a nonprofit corporation or by another entity from a nonprofit corporation that acquired the property under this section must be used for the public purpose of development and diversification of the state economy.

Amendment No. 214 was withdrawn.

#### **Amendment No. 215**

Representative Alonzo offered the following amendment to **CSHB 1**:

Floor Packet Page No. 344

Amend **CSHB 1** in Article VII of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Department of Transportation:

\_\_\_\_\_. Use of Emerging Fund Managers for Investments. (a) To the extent that the Texas Department of Transportation contracts with private professional investment managers to manage or assist in managing money appropriated to the department by this Act or otherwise acquires private financial services for money appropriated by this Act, it is the intent of the legislature that the department shall make a good faith effort to award contracts to or acquire services from qualified emerging fund managers.

(b) For purposes of Subsection (a):

(1) "Emerging fund manager" means a private professional investment manager that manages assets of not more than \$5 billion.

(2) "Private financial services" includes pension fund management, consulting, investment advising, brokerage services, hedge fund management, private equity fund management, and real estate investment.

Amendment No. 215 was withdrawn.

#### **Amendment No. 216**

Representative Eiland offered the following amendment to **CSHB 1**:

Floor Packet Page No. 359

Amend **CSHB 1** as follows:

Under Article VIII, on page VIII-21 by deleting Rider No. 12.

**Amendment No. 217**

Representative Eiland offered the following amendment to Amendment No. 216:

Amend Amendment No. 216 to **CSHB 1** by Eiland (page 359 of the prefiled amendments packet) on page 1 of the amendment, by striking lines 2-3 and substituting:

In Article VIII, following the appropriations to the Texas Department of Insurance, in Rider 12 (page VIII-21), strike "a line of insurance" and substitute "property and casualty insurance, including workers' compensation insurance,".

Amendment No. 217 was adopted.

Amendment No. 216, as amended, was adopted.

**Amendment No. 218**

Representative Castro offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 360

Amend **CSHB 1** on page VIII-19 (Department of Insurance) by inserting the appropriately-numbered rider and renumbering any subsequent riders accordingly.

\_\_\_\_\_. Review of Mental Disorders. It is the intent of the Legislature that, out of funds appropriated above, the department shall conduct a review of health benefit plan insurers to determine, since fiscal year 2002, the number, type, and geographic location of claims for the treatment of a mental disorder as listed in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition, of a child younger than 18 years of age. The department shall prepare a report for the 83rd Legislature detailing their findings. The department may not include in its report any data that could reasonably be used to identify a specific enrollee in a health benefit plan or that in any way violates confidentiality requirements of state or federal law applicable to an enrollee in a health benefit plan.

Amendment No. 218 was adopted.

**Amendment No. 219**

Representative Turner offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 366

Amend **CSHB 1** under Article VIII as follows:

(1) On page VIII-63, Rider 9., make read as follows:

9. Low Income Discount. All amounts appropriated above in Strategy C.1.1, Energy Assistance, shall only be expended to provide a discount of up to 20 percent during the months of May through September in each fiscal year. Any balances left unencumbered for each appropriated year shall be expended on a month to month bases until all appropriated funds from the account are spent on the Low Income Discount.

Amendment No. 219 was adopted. (Legler and Weber recorded voting no.)

**Amendment No. 220**

Representative Y. Davis offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 368

Amend **CSHB 1** (house committee printing) by adding the following appropriately numbered rider to Part 1 of Article IX of the bill (page IX-1):

\_\_\_\_\_. Administration of Programs. It is the intent of the legislature that each state agency, using funds appropriated to the agency under this Act, shall:

(1) develop and implement procedures to improve the efficiency of, and maximize the federal funding for, programs administered by the agency;

(2) develop and implement procedures to ensure that all programs administered by the agency comply with applicable state and federal laws; and

(3) conduct a study to determine whether the creation of new programs or expansion of existing services would improve the agency's ability to perform its assigned duties.

Amendment No. 220 was withdrawn.

**Amendment No. 221**

Representative Strama offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 365

Amend **CSHB 1** as follows:

(1) In ARTICLE VIII of the bill, insert a new Section, appropriately numbered, to read as follows:

Sec. \_\_\_\_\_. Contingency Rider: Power to Choose Website. Contingent upon the passage of **SB 1219** or similar legislation, out of the funds appropriated above, the Public Utility Commission shall allocate up to \$ \_\_\_\_ to redesign the state's Power to Choose website to improve usability and facilitate customer choice in the state's deregulated electric market. The Commission may accept gifts, grants or donations to support this activity.

(2) Renumber subsequent RIDERS of ARTICLE VIII of the bill appropriately.

**Amendment No. 222**

Representative Strama offered the following amendment to Amendment No. 221:

Amend Amendment No. 221 by Strama to **CSHB 1** (prefiled amendment packet page 365) as follows:

(1) Strike "shall allocate up to \$ \_\_\_\_" and substitute "may allocate up to \$150,000".

(2) Strike "market. The Commission may accept gifts, grants or donations to support this activity" and substitute "market, and the Commission may accept gifts and grants as authorized by general law to pay for the additional costs of redesigning the Power to Choose website."

Amendment No. 222 was adopted.

Amendment No. 221, as amended, was adopted.

**Amendment No. 223**

Representative Farias offered the following amendment to **CSHB 1**:

Floor Packet Page No. 353

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article VII of the bill, in the appropriations to the Texas Workforce Commission, in A.2.1. Strategy: Skills Development (page VII-36):

(A) amend the funding for the state fiscal year ending August 31, 2012, by striking "\$24,272,415" and substituting "\$22,325,280"; and

(B) amend the funding for the state fiscal year ending August 31, 2013, by striking "\$24,269,528" and substituting "\$22,322,392".

(2) In Article III of the bill, in the appropriations to Texas A&M University-San Antonio, in C.1.1. Strategy: Transition Funding (page III-85):

(A) amend the funding for the state fiscal year ending August 31, 2012, by striking "\$5,682,849" and substituting "\$7,629,984"; and

(B) amend the funding for the state fiscal year ending August 31, 2013, by striking "\$5,682,849" and substituting "\$7,629,985".

(3) Adjust totals and methods of finance accordingly.

Amendment No. 223 was withdrawn.

**Amendment No. 224**

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 251

Amend **CSHB 1** as follows:

(1) On page IV-33 of the bill pattern, strike D.1.4. Strategy: PUBLIC INTEGRITY UNIT, TRAVIS CO, and renumber accordingly.

(2) On page IV-34 of the bill pattern, strike Rider 38, Public Integrity Unit: Appropriation Source, Unexpended Balances, and Performance Reporting, and renumber accordingly.

Contingent upon passage of **HB 1928**, or similar legislation, amend **CSHB 1** as follows:

(3) In Article I, Office of the Attorney General, on page\_\_\_\_, add a new goal to read as follows and number and insert the letter accordingly:

"\_\_\_\_. Goal: SPECIAL PROGRAMS. \_\_\_\_ .1.1. Strategy: PUBLIC INTEGRITY UNIT."

(4) In Article I, Office of the Attorney General, on page\_\_\_\_, add a line item and authorize General Revenue appropriations in the amount of \$3,368,684 in each fiscal year for Strategy \_\_\_\_ .1.1, PUBLIC INTEGRITY UNIT, and number and insert the letter accordingly.

(5) In Article I, Office of the Attorney General, on page\_\_\_\_, add a new rider to read as follows and number it accordingly:

"\_\_\_\_. Public Integrity Unit. The Public Integrity Unit, Office of the Attorney General, shall submit a report each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The

report must be in a format prescribed by the Legislative Budget Board and the Governor and must include annual statistical information on fraud investigations of the Public Integrity Unit."

#### **Amendment No. 225**

Representative Geren offered the following amendment to Amendment No. 224:

Amend Amendment No. 224 to **CSHB 1** (prefiled amendment packet, page 251) by striking everything after "**CSHB 1**" and substituting the following:

by inserting the following appropriately-numbered rider in Article XI of the bill:

\_\_\_\_\_. CONTINGENCY APPROPRIATION RELATED TO **HB 1928**. Contingent on the enactment and becoming law of **HB 1928** or similar legislation of the 82nd Legislature relating to the prosecution of offenses against public administration, including ethics offenses, offenses involving insurance fraud, and offenses involving motor fuels tax, the amount appropriated to the Judiciary Section, Comptroller's Department on page IV-33 in Strategy D.1.4 to the Public Integrity Unit, Travis County, is appropriated to the Office of the Attorney General for the purpose of implementing the legislation. If **HB 1928** or similar legislation of the 82nd Legislature is enacted and becomes law, the Public Integrity Unit, Office of Attorney General, shall submit a report each January 1 to the Legislative Budget Board and the Governor the preceding fiscal year ending August 31 in a format prescribed by the Board and the Governor that includes annual statistical information on fraud investigations of the Public Integrity Unit.

Amendment No. 225 was adopted.

Amendment No. 224, as amended, was withdrawn.

#### **Amendment No. 226**

Representatives Martinez and Shelton offered the following amendment to **CSHB 1**:

Floor Packet Page No. 369

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article IX of the bill, in the Schedule C Classification Salary Schedule (page IX-17), under Salary Rates in the first line of the schedule, strike "<6 Years ≥6 Years ≥10 Years ≥14 Years ≥18 Years ≥22 Years" and substitute the following new first line for the schedule:

"<4 Years ≥4 Years ≥8 Years ≥12 Years ≥16 Years ≥20 Years".

(2) In Article IX of the bill, in Section 3.08 of that article (page IX-21), strike Subsection (e) of that section.

Amendment No. 226 was adopted. (Weber recorded voting no.)

#### **Amendment No. 227**

Representative P. King offered the following amendment to **CSHB 1**:

Floor Packet Page No. 376

Amend **CSHB 1**, in Article IX, by inserting the following rider, appropriately numbered, in Part 3:

3.\_\_\_\_. Contingent Rider: State Employee Furlough. Contingent on **HB 2720**, or similar legislation of the 82nd Legislature, Regular Session, authorizing state agencies to furlough employees, being enacted and becoming law, the money appropriated to each agency under this Act for employee wages and salaries for the state fiscal year ending August 31, 2012, and the state fiscal year ending August 31, 2013, is reduced by an amount equal to three days' wages or salary for each employee of the agency.

Amendment No. 227 was withdrawn.

#### **Amendment No. 228**

Representative P. King offered the following amendment to **CSHB 1**:

Floor Packet Page No. 377

Amend **CSHB 1** in Article IX by adding the following rider, numbered appropriately, in Part 3:

3.\_\_\_\_. Hiring Freeze. (a) In this section, "state agency" means a public entity in the executive branch of state government eligible under law to receive an appropriation.

(b) Except as provided by Subsection (d) of this section, during the state fiscal biennium that ends August 31, 2013, it is the intent of the legislature that a state agency not:

(1) fill the position of an employee if the position:

(A) is vacant on September 1, 2011; or

(B) becomes vacant after September 1, 2011; or

(2) divert to another use, including a use for salary, wages, or benefits of another employee, money appropriated for the salary, wages, or benefits attributable to a position described by Subdivision (1) of this subsection.

(c) On September 1, 2013, the comptroller shall deposit any unexpended money appropriated for salary, wages, or benefits for an employee's vacant position to which Subsection (b) of this section applies to the credit of the fund or account from which the money was appropriated.

(d) It is the intent of the legislature that a state agency fill a vacant position and use to fill that position money appropriated for the salary, wages, or benefits attributable to one or more positions described by Subsection (b)(1) of this section only if the agency determines that filling the position is necessary to prevent or ameliorate an emergency related to the agency's public purposes.

#### **Amendment No. 229**

Representative P. King offered the following amendment to Amendment No. 228:

Amend Amendment No. 228 by P. King on pg. 377 to read:

Amend **CSHB 1** in Article IX by adding the following rider, numbered appropriately, in Part 3:

3.\_\_\_\_. Hiring Freeze. (a) In this section, "state agency" means a public entity in the executive branch of state government eligible under law to receive an appropriation.

(b) Except as provided by Subsection (d) of this section, during the state fiscal biennium that ends August 31, 2013, it is the intent of the legislature that a state agency not:

(1) fill the position of an employee if the position:

(A) is vacant on September 1, 2011; or

(B) becomes vacant after September 1, 2011; or

(2) divert to another use, including a use for salary, wages, or benefits of another employee, money appropriated for the salary, wages, or benefits attributable to a position described by Subdivision (1) of this subsection.

(c) On September 1, 2013, the comptroller shall deposit any unexpended money appropriated for salary, wages, or benefits for an employee's vacant position to which Subsection (b) of this section applies to the credit of the fund or account from which the money was appropriated.

(d) It is the intent of the legislature that a state agency fill a vacant position and use to fill that position money appropriated for the salary, wages, or benefits attributable to one or more positions described by Subsection (b)(1) of this section only if the agency determines that filling the position is necessary to prevent or ameliorate an emergency related to the agency's public purposes. Upon such determination the agency shall notify the governor and the Legislative Budget Board of:

(1) the nature of the emergency

(2) any other information requested by the governor or the Legislative Budget Board.

(e) Once notice is provided on a specific position pursuant to Subsection (d) of this section, no additional notice is required in the event that same position becomes vacant again.

(f) This section expires September 2, 2013.

Amendment No. 229 was adopted.

### **Amendment No. 230**

Representative Gutierrez offered the following amendment to Amendment No. 228:

Amend the amendment to **CSHB 1** by P. King to read:

Amend **CSHB 1**, Section (2), Subsection (d) in Article IX to read:

(d) It is the intent of the legislature that a state agency fill a vacant position and use to fill that position money appropriated for the salary, wages, or benefits attributable to one or more positions described by Subsection (b)(1) of this section only if the agency first determines that filling the position remains critically related ~~is necessary to prevent or ameliorate an emergency related to the agency's public purposes~~ to the agency's ability to perform its core function. Upon such determination the agency shall notify the governor and the members of the Legislative Budget Board of:

(1) the nature of the ~~emergency~~ critical vacancy

(2) ~~any other~~ information pertinent to the initial notification of the vacancy requested by the governor or the Legislative Budget Board.

(e) Once notice is provided on a specific position pursuant to Subsection (d) of this section, no additional notice is required in the event that same position becomes vacant again.

(f) This section expires September 2, 2013.

Amendment No. 230 was adopted.

Amendment No. 228, as amended, was adopted.

**Amendment No. 231**

Representative R. Anderson offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 379

Add the following appropriately numbered rider to Article IX, general limitation on expenditures.

TEXAS JOBS. It is the intent of the Legislature that as little as possible of the funds appropriated by this Act shall be expended by a state agency to purchase or otherwise acquire goods made or services provided by persons or companies whose primary residence or place of business is outside of Texas. None of the funds appropriated by this Act may be expended on vendors for a professional service or good or otherwise expended to outsource a function without considering:

(A) the anticipated economic impact on the state of Texas or a subdivision thereof;

(B) whether the provider or vendor's principal place of business is in the state of Texas; and

(C) the employment of persons residing in Texas to perform the function.

Amendment No. 231 was withdrawn.

**Amendment No. 232**

Representative Isaac offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 382

Amend **CSHB 1** by adding the following appropriately numbered rider to Part 6 of Article IX of the bill:

Sec. 6. \_\_\_\_\_. Legislative Intent. It is the intent of the Legislature that funds appropriated from general revenue under this Act may not be used to compel a person to purchase, or to enforce a requirement that a person purchase, health insurance or similar health coverage.

**Amendment No. 233**

Representative Isaac offered the following amendment to Amendment No. 232:

Amend Floor Amendment No. 232 by Isaac (page 382, pre-filed amendments packet) to read as follows:

Amend **CSHB 1** by adding the following appropriately numbered rider to Part 6 of Article IX of the bill:

Sec. 6. \_\_\_\_\_. Legislative Intent. It is the intent of the Legislature that funds appropriated from general revenue under this Act ~~may~~ not be used to compel a person to purchase, or to enforce a requirement that a person purchase, health insurance or similar health coverage, unless the funds appropriated from general revenue under this Act have first been used for the purposes specified in this Act.

Amendment No. 233 was adopted.

Amendment No. 232, as amended, was adopted. (Anchia and Johnson recorded voting no.)

#### **Amendment No. 234**

Representative Orr offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 387

Amend **CSHB 1** (house committee printing) in Article IX of the bill, in Part 18, Contingency and Other Provisions, by striking Section 18.06, Contingency Appropriation Requiring Statutory Change: General Obligation Bond Proceeds for Cancer Prevention and Research Grants (page IX-70).

#### **Amendment No. 235**

Representative Orr offered the following amendment to Amendment No. 234:

Amend Amendment No. 234 to **CSHB 1** by Orr (page 387 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article IX of the bill, in Part 18, Contingency and Other Provisions, by amending Section 18.06 (page IX-70), as follows:

- (1) Strike "\$300,000,000" and substitute "\$100,000,000".
- (2) Strike "\$2,246,137" and substitute "\$1,661,616".
- (3) Strike "\$12,201,863" and substitute "\$3,055,686".

Amendment No. 235 was adopted. (Isaac recorded voting no.)

Representative Pitts moved to table Amendment No. 234, as amended.

The motion to table prevailed by (Record 253): 125 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddock; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez

Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Cain; Christian; Creighton; Hancock; Harper-Brown; Hartnett; Hughes; King, P.; Laubenberg; Murphy; Orr; Phillips; Quintanilla; Weber; Zedler.

Present, not voting — Mr. Speaker(C); Ritter.

Absent, Excused — Allen; Solomons.

Absent — Garza; Guillen; King, T.; Menendez; Raymond.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 253. I intended to vote yes.

C. Anderson

I was shown voting yes on Record No. 253. I intended to vote no.

Elkins

I was shown voting yes on Record No. 253. I intended to vote no.

Flynn

When Record No. 253 was taken, I was in the house but away from my desk. I would have voted yes.

Garza

When Record No. 253 was taken, I was in the house but away from my desk. I would have voted yes.

Guillen

I was shown voting yes on Record No. 253. I intended to vote no.

Legler

When Record No. 253 was taken, I was in the house but away from my desk. I would have voted yes.

Menendez

I was shown voting yes on Record No. 253. I intended to vote no.

S. Miller

I was shown voting yes on Record No. 253. I intended to vote no.

Nash

I was shown voting yes on Record No. 253. I intended to vote no.

Parker

I was shown voting yes on Record No. 253. I intended to vote no.

Paxton

I was shown voting no on Record No. 253. I intended to vote yes.

Quintanilla

When Record No. 253 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

I was shown voting yes on Record No. 253. I intended to vote no.

W. Smith

### REASON FOR VOTE

I voted yea on the motion to table because both of my parents died from cancer and I believe we should continue to fund cancer research.

Harless

### Amendment No. 236

Representative Patrick offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 390

Amend **CSHB 1** as follows:

(1) On page IX-71 of Article IX of **CSHB 1**, add the following appropriately numbered rider:

\_\_\_\_\_. Contingency Appropriation for **HB 862**. Contingent on passage and enactment of **HB 862**, or similar legislation relating to putting the State Board of Education and the State Board for Educator Certification under periodic review by the Sunset Advisory Commission, amounts appropriated on page III-2 of the Texas Education Agency bill pattern in Strategy A.2.4, School Improvement and Support Programs are hereby reduced by \$115,000 in General Revenue fiscal year 2012 and \$66,000 in General Revenue in fiscal year 2013, and amounts referenced on page III-13 in Texas Education Agency, Rider 38, Funding for Regional Education Service Centers, are hereby reduced by \$115,000 in fiscal year 2012 and \$66,000 in fiscal year 2013.

Contingent on passage and enactment of **HB 862**, or similar legislation relating to putting the State Board of Education and the State Board for Educator Certification under periodic review by the Sunset Advisory Commission, amounts appropriated elsewhere in this Act for the operation of the Sunset Advisory Commission are hereby increased by \$115,000 in General Revenue in fiscal year 2012 and \$66,000 in General Revenue in fiscal year 2013.

Amendment No. 236 was withdrawn.

### Amendment No. 237

Representative Eiland offered the following amendment to **CSHB 1**:

Floor Packet Page No. 391

Amend **CSHB 1** (house committee printing) in Article XI, insert the following appropriately-numbered rider and renumbering any subsequent riders and updating any cross-references accordingly:

\_\_\_\_\_. CONTINGENCY APPROPRIATIONS. Contingent upon the enactment of **HB 259**, or similar legislation, relating to an assessment on subscription video service providers, by the Eighty-second Legislature, Regular Session 2011 and contingent upon the Comptroller's certification of available General Revenue of approximately \$240 million in for the biennium above the Comptroller's 2011 Biennial Revenue Estimate, the General Revenue generated by the legislation shall be appropriated as follows:

(a) On page II-21, for Total, Goal A. Children with Disabilities, strike "156,619,856" for year 2012 and substitute "222,228,813" and strike "156,618,368" for year 2013 and substitute "235,068,075" to fully fund at recommended levels.

(b) On page II-34, for Total, Goal C: Prevention Programs, strike "24,123,549" in year 2012 and substitute "45,883,571" and strike "24,123,550" in year 2013 and substitute "45,883,571" to fully fund at 2010-2011 levels

(c) On page II-46 for strategy B.2.6 Reduce Use of Tobacco Products, strike "2,662,173" in year 2012 and substitute "9,450,315", and strike "2,115,062" in year 2013 and substitute "9,450,315" to fully fund at 2010-2011 levels.

(d) On page II-47 for strategy C.2.1 Mental Health Community Hospitals, strike "29,239,096" in year 2012 and substitute "48,388,046.50" and strike "29,239,096" in year 2013 and substitute "48,388,046.50" to fund near recommended levels.

Amendment No. 237 was withdrawn.

### **Amendment No. 238**

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 392

Please Amend **CSHB 1** by adding the following rider in the appropriate section of the bill:

18 Month Budget: Notwithstanding any other provision in this Act, all Fiscal Year 2013 appropriations that are funded by general revenue are reduced by 50% and expenditures authorized by this Act shall not continue past March 1, 2013.

Representative Pitts moved to table Amendment No. 238.

The motion to table prevailed by (Record 254): 98 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren;

Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Larson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Solomons.

#### **Amendment No. 239**

Representative Castro offered the following amendment to **CSHB 1**:

Floor Packet Page No. 395

Amend **CSHB 1** as follows:

(1) On page X-2 of the House of Representative's bill pattern, reduce general revenue appropriations to Strategy A.1.1., House of Representatives, by \$3,000,000 in fiscal year 2013.

(2) On page X-1 of the Senate's bill pattern, reduce general revenue appropriations to Strategy A.1.1., Senate, by \$3,000,000 in fiscal year 2013.

(3) On page X-4 of the Legislative Council's bill pattern, reduce general revenue appropriations to Strategy A.1.1., Legislative Council, by \$6,000,000 in fiscal year 2013.

(4) On page I-39 of the Facilities Commission's bill pattern, reduce general revenue appropriations to Strategy B.2.1., Facilities Operation, by \$500,000 in fiscal year 2012 and \$500,000 in fiscal year 2013.

(5) On page II-22 of the Department of Assistive and Rehabilitative Services bill pattern, increase general revenue appropriations to Strategy B.3.4., Comprehensive Rehabilitation, by \$6,500,000 in fiscal year 2012 and \$6,500,000 in fiscal year 2013.

Amendment No. 239 was adopted.

#### **Amendment No. 240**

Representative Castro offered the following amendment to **CSHB 1**:

Floor Packet Page No. 396

Amend **CSHB 1** as follows:

(1) On page X-2 of the House of Representative's bill pattern, reduce general revenue appropriations to Strategy A.1.1., House of Representatives, by \$3,000,000 in fiscal year 2013.

(2) On page X-1 of the Senate's bill pattern, reduce general revenue appropriations to Strategy A.1.1., Senate, by \$3,000,000 in fiscal year 2013.

(3) On page X-4 of the Legislative Council's bill pattern, reduce general revenue appropriations to Strategy A.1.1., Legislative Council, by \$4,000,000 in fiscal year 2013.

(4) On page III-2 of the Texas Education Agency's bill pattern, increase general revenue appropriations to Strategy A.2.4., School Improvement and Support Programs, by \$5,000,000 in fiscal year 2012 and \$5,000,000 in fiscal year 2013.

(5) On page III-10 of the Texas Education Agency's bill pattern, amend rider 24 as follows:

24. Communities in Schools. Out of the funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, ~~\$5,000,000~~ \$10,000,000 in General Revenue and \$4,842,342 in TANF funds in fiscal year 2012 and ~~\$5,000,000~~—\$10,000,000 in General Revenue and \$4,842,341 in TANF funds in fiscal year 2013 are allocated for the Communities in Schools Program.

Amendment No. 240 was adopted.

#### **Amendment No. 241**

Representative Orr offered the following amendment to **CSHB 1**:

Floor Packet Page No. 398

Amend **CSHB 1** (house committee printing) in Article X of the bill, following the appropriations to the Legislative Council, by adding the following appropriately numbered rider:

\_\_\_\_. Feasibility Study on the Consolidation of Legislative Support Offices. It is the intent of the legislature that the Legislative Council use a portion of the funds appropriated above to study the feasibility of consolidating the various support functions and offices of the senate and the house of representatives and to report the findings to the lieutenant governor and the speaker of the house.

Amendment No. 241 was adopted.

#### **Amendment No. 213 - Vote Reconsidered**

Representative Giddings moved to reconsider the vote by which Amendment No. 213 was adopted.

The motion to reconsider prevailed.

#### **Amendment No. 242**

Representative Giddings offered the following amendment to Amendment No. 213:

Amend Amendment No. 213 to **CSHB 1** by Giddings (page 310 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article VI of the bill by adding the following appropriately numbered rider following the appropriations to the General Land Office and Veterans' Land Board:

\_\_\_\_\_. Improved Methodology for Calculation of Royalties on Flared or Vented Gas. It is the intent of the legislature that:

(1) the General Land Office work with the Texas Commission on Environmental Quality, the Railroad Commission of Texas, and the comptroller to attempt to identify and develop an improved methodology that ensures the accurate measurement or estimation of the amount of gas flared or vented from wells located on state land and the appropriate calculation of royalties on flared or vented gas so as to maximize state revenue;

(2) an improved methodology identified reflect current knowledge about emissions and up-to-date best practices so as to most accurately determine the amount of gas flared or vented; and

(3) the General Land Office provide notice and guidance to gas producers as necessary.

(Keffer in the chair)

Amendment No. 242 was adopted.

Representative Darby moved to table Amendment No. 213, as amended.

The motion to table prevailed by (Record 255): 98 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Solomons.

Absent — Woolley.

### **Amendment No. 243**

Representative Y. Davis offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 368

Amend **CSHB 1** (house committee printing) by adding the following appropriately numbered rider to Part 1 of Article IX of the bill (page IX-1):

\_\_\_\_\_. Administration of Programs. It is the intent of the legislature that each state agency, using funds appropriated to the agency under this Act, shall:

(1) develop and implement procedures to improve the efficiency of, and maximize the federal funding for, programs administered by the agency;

(2) develop and implement procedures to ensure that all programs administered by the agency comply with applicable state and federal laws; and

(3) conduct a study to determine whether the creation of new programs or expansion of existing services would improve the agency's ability to perform its assigned duties.

### **Amendment No. 244**

Representatives P. King, Geren, Creighton, Hunter, C. Anderson, and Keffer offered the following amendment to Amendment No. 243:

Amend Floor Amendment No. 243 by Y. Davis (page 368, pre-filed amendments packet) as follows:

(1) On page 1, line 2, strike "rider" and substitute "riders".

(2) At the end of the amendment, add:

\_\_\_\_\_. Fee Revenue Increases Contingent on Legislation. Notwithstanding any other provision of this Act, it is the intent of the legislature that any provision of this Act regarding the revenues resulting from an increase in the amount or rate of a fee imposed or collected by a state agency, from an expansion of the population of those on which a fee imposed by a state agency or from which a fee is collected by a state agency, or from the imposition of a new fee is contingent on a bill that authorizes the appropriation of the resulting increase in the agency's fee revenue being enacted by the 82nd Legislature, Regular Session, 2011, and becoming law.

### **Amendment No. 244 - Point of Order**

Representative Thompson raised a point of order against further consideration of Amendment No. 244 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order.

### **AMENDMENT NO. 244 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE LOZANO: Representative King, I heard you mention that this would be a \$100 million tax, essentially—increase in taxes, could you elaborate on that?

REPRESENTATIVE P. KING: Okay, yesterday morning when Mr. Pitts was, with great eloquence, laying out his bill, I asked several questions. One was, if there was a—if there were fees in this that would require enabling legislation, contingent riders. And we agreed that there would be about \$63 million worth of new fees being created. I then asked—are there any other fees that are being increased in this, in **HB 1** that do not have, that do not require enabling legislation. So, that if we just voted on **HB 1** we would be voting for those fee increases. And he said yes. And I asked him how much and he said approximately \$100 million.

LOZANO: Okay, so you would see a fee as a tax.

P. KING: Absolutely, a fee is a tax.

### REMARKS ORDERED PRINTED

Representative Lozano moved to print remarks between Representative P. King and Representative Lozano.

The motion prevailed.

Amendment No. 244 was adopted by (Record 256): 136 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer(C); King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Coleman; Dukes; Dutton; Farrar; Guillen; Hardcastle; Mallory Caraway; McClendon; Miles.

Present, not voting — Mr. Speaker; Anchia.

Absent, Excused — Allen; Solomons.

Absent — Callegari.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 256. I intended to vote yes.

Hardcastle

When Record No. 256 was taken, I was excused due to a flight cancellation. Had I been present, I would have voted for the amendment that requires enabling legislation in order for new or increased fees to be enacted. This amendment provides a strong obstacle to prevent over \$100 million in increased or added fees, and I strongly support Mr. King's amendment to the amendment to protect our taxpayers.

Solomons

Amendment No. 243, as amended, was adopted.

**Amendment No. 245**

Representative Y. Davis offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 381

Amend **CSHB 1** by adding the following appropriately numbered rider to Part 6 of Article IX of the bill:

Sec. 6. \_\_\_\_\_. Legislative Intent: Ineligibility of Certain Entities for Tax or Fee Benefits. (a) In this section, "domestic private entity" means a private entity that was created or organized in the United States or under the laws of the United States or any state.

(b) It is the intent of the Legislature that a governmental entity that receives appropriated funds and that has discretion whether to grant to a domestic private entity a credit, exemption, or discount on a tax or fee imposed by the state determine that the domestic private entity is ineligible for the credit, exemption, or discount if, during the two years preceding the date of the determination of whether to grant the credit, exemption, or discount, the domestic private entity:

(1) created employment suitable for performance in the United States in a country other than the United States; and

(2) as a result of that employment, eliminated or failed to create similar employment in the United States.

**Amendment No. 246**

Representative Y. Davis offered the following amendment to Amendment No. 245:

Amend Amendment No. 245 by Y. Davis to **CSHB 1** (page 381 of the prefiled amendment packet) on page 1, strike lines 11 through 15 and substitute "or discount on a tax or fee imposed by the state, take into consideration whether, during the two years preceding the date of the determination of whether to grant the credit, exemption, or discount, the domestic private entity:".

Amendment No. 246 was adopted.

Representative Pitts moved to table Amendment No. 245, as amended.

The motion to table prevailed by (Record 257): 82 Yeas, 58 Nays, 5 Present, not voting.

Yeas — Anderson, C.; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, S.; Kleinschmidt; Kuempel; Larson; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Aliseda; Alonzo; Alvarado; Anderson, R.; Beck; Bohac; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Hughes; Johnson; King, P.; King, T.; Kolkhorst; Landtroop; Lavender; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Perry; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker; Anchia; Carter; Keffer(C); Quintanilla.

Absent, Excused — Allen; Solomons.

Absent — Aycock; Laubenberg; Shelton.

#### STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 257. I intended to vote no.

Anchia

I was shown voting yes on Record No. 257. I intended to vote no.

Burkett

I was shown voting present, not voting on Record No. 257. I intended to vote no.

Carter

I was shown voting present, not voting on Record No. 257. I intended to vote no.

Quintanilla

#### REASON FOR VOTE

I voted no on Record No. 257 because I felt Amendment No. 245 created general law.

R. Anderson

**Amendment No. 247**

Representative S. Miller offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 293

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION \_\_\_\_\_. Equine Incentive Program. In addition to the amounts appropriated above, any fees collected in accordance with Section 12.044 of the Agriculture Code in fiscal year 2012 and fiscal year 2013 (estimated to be \$25,000 in each fiscal year) are hereby appropriated to the Department of Agriculture, from the General Revenue Fund in Strategy A.1.1, Economic Development.

**Amendment No. 248**

Representative S. Miller offered the following amendment to Amendment No. 247:

Amend Amendment No. 247 to **CSHB 1** by S. Miller (page 293 of the prefiled amendment packet) by striking lines 10 and 11 and substituting "for those purposes."

Amendment No. 248 was adopted.

Amendment No. 247, as amended, was adopted.

**Amendment No. 249**

Representative Christian offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 147

Amend **CSHB 1** by adding the following appropriately numbered rider following the Article II appropriations to the Health and Human Services Commission:

\_\_\_\_\_. Burke Center Support. Out of the funds appropriated above, the Health and Human Services Commission shall allocate \$2 million during the state fiscal biennium beginning September 1, 2011, to the Burke Center for use in providing state mandated services.

**Amendment No. 250**

Representative White offered the following amendment to Amendment No. 249:

Amend Amendment No. 249 to **CSHB 1** by Christian (page 147 of the preprinted amendment packet) on page 1, line 7, between "the" and "Burke Center" by inserting "Community Mental Health and Mental Retardation Center known as the".

Amendment No. 250 was adopted.

Representative Zerwas moved to table Amendment No. 249, as amended.

The motion to table prevailed by (Record 258): 131 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Anderson, C.; Christian; Flynn; Guillen; Hughes; Isaac; Laubenberg; Paxton; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Solomons.

Absent — Aycock; Gonzales, L.; King, P.; Lyne.

### STATEMENT OF VOTE

When Record No. 258 was taken, my vote failed to register. I would have voted yes.

L. Gonzales

### Amendment No. 251

On behalf of Representative McClendon, Representative Harper-Brown offered the following amendment to **CSHB 1**:

Floor Packet Page No. S-9

Amend **CSHB 1** (house committee printing) in Article VII following the appropriations to the Texas Department of Transportation by striking Rider 32 (page VII-33) and substituting:

32. Limitation on Expenditures: Prohibition on Lobbyists. The Department of Transportation shall not expend any money appropriated above for the purpose of selecting, hiring, or retaining a person required to register under Chapter 305, Government Code, or the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1601 et seq.), unless such an expenditure is allowed under state law.

Amendment No. 251 was adopted.

**CSHB 1 - REMARKS**

REPRESENTATIVE CHISUM: Could I have a conversation with Representative Turner about the way the house is going to handle and historically has handled Article XI? Mr. Turner, you and I had a conversation about some of the articles moved to Article XI. Some of the amendments were bills that were contingent on passing so that they would get funded, is that correct?

REPRESENTATIVE TURNER: That is correct.

CHISUM: And in addition to that, there is some 18 amendments and maybe more, at least 18 that are not necessarily amendments that create funds or appropriate funds. Would you tell the body how those amendments would be handled in Article XI, whether or not they would find their way into **HB 1**, or are they just left in Article XI?

TURNER: Generally speaking, they are left in Article XI. The way they have typically been viewed is the representatives' wish list item, so to speak. The representatives' interest is placed in Article XI. It remains in Article XI, but it is not a part of the eventual bill and the only way it can move off that list into the bill is that, in conference, both chambers must pull it up and then it will be identified when the bills come back to the house and the senate as going outside of the bounds.

CHISUM: Mr. Turner, if something is moved into the bill in another article besides from Article XI, lets say to Article VI, would that create a situation where you'd have to have a resolution to go outside the bounds?

TURNER: That is correct. It would be identified.

CHISUM: So, the house would have an opportunity to review the resolution to go outside the bounds and vote it up or down, even though they may not be able to amend it, is that correct?

TURNER: That is correct, because Article XI is not—it is a part of this budgetary process we move through from the house to the senate, but it is not a part of the eventual bill. And so, in order for that item to get there, both chambers must take it out and then bring it back to both chambers in a resolution to go outside the bounds.

**REMARKS ORDERED PRINTED**

Representative Chisum moved to print remarks between Representative Turner and Representative Chisum.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Transportation meeting is cancelled.

**CSHB 1 - (consideration continued)****ARTICLE XI - AMENDMENTS ADOPTED**

Representative Pitts moved to adopt all Article XI amendments (Amendment Nos. 252 - 317).

The motion prevailed. (Weber recorded voting no.)

**Amendment No. 252 (by Raymond)** (Aliseda, C. Anderson, R. Anderson, Aycock, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Elkins, Fletcher, Flynn, Frullo, Geren, L. Gonzales, Gooden, Hancock, Hardcastle, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 402

Amend **CSHB 1** in Article XI of the bill by adding the following appropriately numbered rider after the appropriations to the Department of State Health Services (page XI-2):

\_\_\_\_\_. Appropriation for Diabetes and Obesity Care and Education. In Article II of the bill, in addition to other amounts appropriated to the Department of State Health Services in Strategy A.3.1, Chronic Disease Prevention (page II-46), the amount of \$3 million is appropriated for the state fiscal year beginning September 1, 2011, and the amount of \$3 million is appropriated for the state fiscal year beginning September 1, 2012, from the general revenue fund to the Department of State Health Services for the purpose of reducing the health and economic burdens of diabetes through The University of Texas community outreach model of community-based diabetes and obesity care and education.

**Amendment No. 253 (by Hilderbran)** (Dutton recorded voting no.)

Amend Floor Amendment No. 252 by Raymond to **CSHB 1** (page 402, pre-filed amendments packet) as follows:

- (1) On page 1, line 2, strike "rider" and substitute "riders".
- (2) Add the following at the end of the amendment:

\_\_\_\_\_. Allocation of Funding for Hill County Community MHMR Center. In allocating general revenue funds appropriated by this Act to the Department of State Health Services, that department shall allocate available general revenue funds so that the funds provided for programs or support of the Hill County Community MHMR Center's crisis stabilization unit are not reduced as compared to general revenue funds made available for that unit during the previous state fiscal biennium.

**Amendment No. 254 (by Workman)** (Alonzo, Dutton, and Price recorded voting no.)

Floor Packet Page No. S3-1

Amend **CSHB 1** (house committee printing) as follows:

(1) Under Article XI appropriations to the Texas Workforce Commission (page XI-5), add the following appropriately numbered rider:

\_\_\_\_\_. Contingency for **HB 2886**. Contingent on the enactment and becoming law of **HB 2886**, 82nd Legislature, Regular Session, 2011, or other similar legislation, for the fiscal year beginning September 1, 2011, \$5 million is appropriated from the general revenue fund to the Texas Workforce Commission for the purpose of funding programs and expenditures administered by the commission relating to employment and community services in addition to other money appropriated for those purposes.

(2) Adjust the article totals accordingly.

**Amendment No. 255 (by Phillips)** (Berman, Cain, Dutton, Flynn, Isaac, Landtroop, Laubenberg, Lyne, Mallory Caraway, Price, Sheffield, Solomons, V. Taylor, and White recorded voting no.)

Floor Packet Page No. 403

Office of the Forensic Services. Contingent upon the enactment of legislation which creates an Office of Forensic Services or similar office within the Department of State Health Services, in addition to amounts appropriated above, any monies associated with the fees associated with the legislation, funds previously allocated to the Texas Forensic Science Commission, and funds previously appropriated to the Department of Public Safety for forensic laboratory certification are hereby appropriated to the Department of State Health Services for the FY 2012/2013 biennium for the purpose of direct and indirect costs associated with the duties of the Office of the State Medical Examiner.

**Amendment No. 256 (by Menendez)** (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bonnen, Branch, Brown, Button, Cain, Carter, Cook, Craddick, Creighton, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Geren, L. Gonzales, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hunter, Isaac, P. King, S. King, Kolkhorst, Landtroop, Laubenberg, Lavender, Legler, Lyne, Madden, S. Miller, Orr, Otto, Parker, Paxton, Perry, Schwertner, Sheets, Sheffield, Simpson, Smithee, Solomons, V. Taylor, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 404

Amend **CSHB 1** Article XI as follows:

On page XI-2 Health and Human Services Commission Strategy for Texas Public Cord Blood Bank and the University of Texas MD Anderson Cancer Center add \$2,000,000.00 each for fiscal year 2012 and 2013 for the Texas Public Cord Blood Bank and \$500,000.00 each for those fiscal years for the University of Texas MD Anderson Cancer Center.

**Amendment No. 257 (by Madden)** (Dutton, Kolkhorst, and Price recorded voting no.)

Floor Packet Page No. 405

Amend **CSHB 1** such that, contingent upon passage of **HB 2843**, **HB 3088**, or **SB 1483**, any savings realized by the Texas Education Agency from expansion of virtual education opportunities versus regular public school operations in the state will be directed toward funding of the Texas Virtual School Network, page III-2, B.2.1. Strategy: Technology/Instructional Materials, allocating the proceeds to the Texas Virtual School Network in addition to funding already appropriated under B.2.1 Strategy: Technology/Instructional Materials.

**Amendment No. 258 (by Villarreal)** (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Hardcastle, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Mallory Caraway, Margo, S. Miller, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Solomons, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 406

Amend **CSHB 1** in Article XI of the bill by inserting the following rider after the Article XI items for the Texas Education Agency (page XI-2):

\_\_\_\_\_. Contingent Appropriation from Economic Stabilization Fund for Foundation School Program. (a) For the state fiscal biennium ending August 31, 2013, in addition to other amounts appropriated by this Act, the Texas Education Agency is appropriated from the Economic Stabilization Fund \$4 billion to use for Foundation School Program purposes during the state fiscal biennium ending August 31, 2013.

(b) The provisions of this rider that make appropriations out of the Economic Stabilization Fund take effect only if this Act receives the vote required by Section 49-g, Article III, Texas Constitution.

**Amendment No. 259 (by Berman)** (Alonzo, Carter, Creighton, Dutton, Fletcher, Flynn, Frullo, Geren, Hilderbran, D. Howard, Jackson, S. King, Kuempel, Lyne, Madden, Mallory Caraway, S. Miller, Murphy, Orr, Otto, Patrick, Perry, Quintanilla, Scott, Villarreal, Weber, and Workman recorded voting no.)

Amend Amendment No. 258 to **CSHB 1** by Villarreal (page 410, pre-filed amendments packet) by adding the following appropriately numbered item:

(\_\_\_\_\_) Following the appropriations to the Texas Higher Education Coordinating Board (page III-39), in Rider No. 11, immediately following the third paragraph, add the following paragraph:

In addition to the amounts appropriated above for the Tuition Equalization Grant Program under Strategy B.1.8 above, the Higher Education Coordinating Board is appropriated an amount not to exceed \$45,000,000 to be allocated for grants for students from racial or ethnic groups that are underrepresented among higher education students attending a private or independent institution of higher education. The amounts are appropriated under this paragraph by reallocating all funds appropriated by this Act to the Higher Education Coordinating Board that may be used to subsidize resident tuition for students who qualify for resident tuition under Sections 54.051(m), 54.052, 54.055, or 54.060(b), Education Code.

**Amendment No. 260 (by Lewis)** (R. Anderson, Bohac, Bonnen, Cain, Carter, Crownover, Dutton, Eissler, Flynn, L. Gonzales, Hancock, D. Howard, Huberty, Isaac, Kolkhorst, Laubenberg, Lyne, Mallory Caraway, Orr, Phillips, Sheffield, Simpson, Smithee, L. Taylor, Truitt, and White recorded voting no.)

Floor Packet Page No. 409

Amend **CSHB 1**, in Article XI of the bill, on page XI-3, in the Section entitled "Health Related Institutions," by adding: "Texas Tech University Health Sciences Center: Medical Education Building" and listing the sum of \$17,010,000 as a contingency rider for the passage of **HB 1042** or similar such legislation.

**Amendment No. 261 (by Raymond)** (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 411

Amend **CSHB 1** (house committee printing) in Article XI of the bill, following the appropriations to the Parks and Wildlife Department, by adding the following appropriately numbered rider:

\_\_\_\_\_. Local Park Grant for Webb County Special Needs Park. (a) In addition to the amounts appropriated above in Article VI, Strategy B.2.1., Local Park Grants (page VI-30), up to \$2,250,000 is appropriated and allocated in matching funds for the acquisition, development, and construction of the Webb County Special Needs Park for disabled children for the state fiscal year ending August 31, 2012, and \$2,250,000 is appropriated and allocated in matching funds for the acquisition, development, and construction of the Webb County Special Needs Park for disabled children for the state fiscal year ending August 31, 2013.

(b) Any unexpended balance on August 31, 2012, of the amounts appropriated by this rider is appropriated to the Parks and Wildlife Department for the purposes of this rider for the state fiscal year beginning September 1, 2012.

**Amendment No. 262 (by Marquez)** (Aliseda, C. Anderson, R. Anderson, Aycok, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, S. Miller, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 412

Amend **CSHB 1** (house committee printing) in Article XI by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION \_\_\_\_\_. In addition to the amount of funds appropriated in Article VI, page 30, Strategy B.1.1., State Park Operations, add \$554,564 in FY2012, and \$554,564 in FY2013, for the purpose of the Wyler Aerial Tramway at Franklin Mountains State Park.

**Amendment No. 263 (by McClendon)** (Aliseda, C. Anderson, R. Anderson, Aycok, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 413

Amend **CSHB 1** in Article XI of the bill, following the appropriations to the Texas Department of Transportation, by adding the following appropriately numbered rider:

\_\_\_\_\_. Texas Rail Relocation and Improvement Fund. (a) Out of the funds appropriated above, the amount of \$100 million is appropriated to the Texas Department of Transportation from the state highway fund for the state fiscal year ending August 31, 2012, and \$100 million is appropriated to that department from the state highway fund for the state fiscal year ending August 31, 2013, for deposit in the Texas rail relocation and improvement fund for the purposes described by Section 49-o, Article III, Texas Constitution.

(b) The appropriation of funds under Subsection (a) of this rider does not include funds in the state highway fund that are constitutionally dedicated for other purposes.

(c) Any unexpended balance on August 31, 2012, of amounts appropriated by this rider is appropriated to the Texas Department of Transportation for the purposes of this rider for the state fiscal year beginning September 1, 2012.

**Amendment No. 264 (by McClendon)** (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 414

Amend **CSHB 1** in Article XI of the bill, following the appropriations to the Texas Department of Transportation, by adding the following appropriately numbered rider:

\_\_\_\_\_. Texas Rail Relocation and Improvement Fund. (a) Out of the funds appropriated above, the amount of \$25 million is appropriated to the Texas Department of Transportation from the state highway fund for the state fiscal year ending August 31, 2012, and \$25 million is appropriated to that department from the state highway fund for the state fiscal year ending August 31, 2013, for deposit in the Texas rail relocation and improvement fund for purposes described by Section 49-o, Article III, Texas Constitution.

(b) The appropriation of funds under Subsection (a) of this rider does not include funds in the state highway fund that are constitutionally dedicated for other purposes.

(c) Any unexpended balance on August 31, 2012, of amounts appropriated by this rider is appropriated to the Texas Department of Transportation for the purposes of this rider for the state fiscal year beginning September 1, 2012.

**Amendment No. 265 (by McClendon)** (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 415

Amend **CSHB 1** as follows:

(1) In the Article XI appropriations to the Texas Department of Transportation (page XI-5), add the following appropriately numbered rider:

\_\_\_\_\_. Contingency for Acquisition of Federal Funds for Rail Relocation and Improvements or Other Rail Projects. (a) It is the intent of the Legislature that the Department of Transportation make it a top priority to seek and obtain federal funding for rail relocation and improvements or other rail projects to be deposited in the Texas rail relocation and improvement fund in an amount equal to \$125,000,000 in fiscal year 2012 and \$125,000,000 in fiscal year 2013 from any funding source, including:

(1) revenue from federal fuel taxes sent to this state from the Federal Highway Administration for the purposes of implementing multimodal transportation projects;

(2) the Federal Railroad Administration; and

(3) the Federal Transit Administration.

(b) Notwithstanding any other provision of this Act, in addition to the funds appropriated in this bill, the Department of Transportation shall transfer the following amounts out of State Highway Fund No. 006 to the Texas rail relocation and improvement fund for use for the purposes described by Section 49-o, Article III, Texas Constitution:

(1) for the fiscal year ending August 31, 2012, \$25,000,000; and

(2) for the fiscal year ending August 31, 2013, \$25,000,000.

(c) The appropriation and transfer of money under Subsection (b) of this rider does not include money in State Highway Fund No. 006 that is limited to other purposes by a constitutional dedication.

(d) Any unexpended balance as of August 31, 2012, of amounts appropriated and transferred by this rider for fiscal year 2012 are to be used for the purposes of this rider for fiscal year 2013.

(2) Adjust the Article totals accordingly.

**Amendment No. 266 (by McClendon)** (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 417

Amend **CSHB 1** as follows:

(1) In the Article XI appropriations to the Texas Department of Transportation (page XI-5), add the following appropriately numbered rider:

\_\_\_\_\_. Contingency for Acquisition of Federal Funds for Rail Relocation and Improvements or Other Rail Projects. (a) It is the intent of the Legislature that the Department of Transportation make it a top priority to seek and obtain federal funding for rail relocation and improvements or other rail projects to be deposited in the Texas rail relocation and improvement fund in an amount equal to \$125,000,000 in fiscal year 2012 and \$125,000,000 in fiscal year 2013 from any funding source, including:

(1) revenue from federal fuel taxes sent to this state from the Federal Highway Administration for the purposes of implementing multimodal transportation projects;

(2) the Federal Railroad Administration; and

(3) the Federal Transit Administration.

(b) Notwithstanding any other provision of this Act, in addition to the funds appropriated in this bill, the Department of Transportation shall transfer the following amounts out of State Highway Fund No. 006 to the Texas rail relocation and improvement fund for use for the purposes described by Section 49-o, Article III, Texas Constitution:

(1) for the fiscal year ending August 31, 2012, \$125,000,000; and

(2) for the fiscal year ending August 31, 2013, \$125,000,000.

(c) The appropriation and transfer of money under Subsection (b) of this rider does not include money in State Highway Fund No. 006 that is limited to other purposes by a constitutional dedication.

(d) Any unexpended balance as of August 31, 2012, of amounts appropriated and transferred by this rider for fiscal year 2012 are to be used for the purposes of this rider for fiscal year 2013.

(2) Adjust the Article totals accordingly.

**Amendment No. 267 (by Raymond)** (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 419

Amend **CSHB 1** as follows:

(1) In Article XI of the bill, following the appropriations to the Texas Department of Transportation, add the following appropriately numbered rider:

\_\_\_\_\_. Certain Public Transportation Projects. In addition to the amounts appropriated to the Texas Department of Transportation under Article VII, the additional amount of \$15,000,000 is appropriated from general revenue to the department in fiscal year 2012, and \$15,000,000 is appropriated from general revenue to the department in fiscal year 2013 to be used for the City of Laredo's El Metro transit department for the replacement of 36 heavy-duty buses and the construction of a new operations and maintenance facility.

(2) Adjust the article totals accordingly.

**Amendment No. 268 (by Raymond)** (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Morrison, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 421

Amend **CSHB 1** in Article XI of the bill by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

\_\_\_\_\_. Payments to Federally Qualified Health Centers Under Medicaid Managed Care and the Child Health Plan Program. The Health and Human Services Commission shall make supplemental payments to Federally Qualified Health Centers (FQHCs) that subcontract directly or indirectly with managed care organizations under the Medicaid managed care program established under Chapter 533, Government Code, or under the child health plan program established under Chapter 62, Health and Safety Code. The supplemental payments must be in amounts equal to the difference between the payment the FQHC would have received for treating a managed care enrollee under one of those programs if the FQHC had been reimbursed using a prospective payment system under the Medicaid or child health plan program, as appropriate, minus the payment actually received by the FQHC for treating the managed care enrollee, provided that difference is greater than zero. It is the intent of the legislature that the commission seek to amend the Medicaid State Plan to include the supplemental payment methodology described by this rider.

**Amendment No. 269 (by Eiland)** (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Branch, Brown, Burkett, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Huberty, Hughes, Hunter, Jackson, P. King, Kleinschmidt, Kolkhorst, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, Morrison, Orr, Parker, Patrick, Paxton, Phillips, Price, Schwertner, Sheffield, Shelton, T. Smith, Solomons, L. Taylor, V. Taylor, Truitt, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 422

Amend **CSHB 1** (house committee printing) in Article IX, insert the following appropriately-numbered rider and renumbering any subsequent riders and updating any cross-references accordingly:

\_\_\_\_\_. **CONTINGENCY APPROPRIATIONS.** Contingent upon the enactment of **HB 259**, or similar legislation, relating to an assessment on subscription video service providers, by the Eighty-second Legislature, Regular Session 2011 and contingent upon the Comptroller's certification of available General Revenue of approximately \$240 million in for the biennium above the Comptroller's 2011 Biennial Revenue Estimate, the General Revenue generated by the legislation shall be appropriated as follows:

(a) On page II-21, for Total, Goal A. Children with Disabilities, strike "156,619,856" for year 2012 and substitute "222,228,813" and strike "156,618,368" for year 2013 and substitute "235,068,075" to fully fund at recommended levels.

(b) On page II-34, for Total, Goal C: Prevention Programs, strike "24,123,549" in year 2012 and substitute "45,883,571" and strike "24,123,550" in year 2013 and substitute "45,883,571" to fully fund at 2010-2011 levels.

(c) On page II-46 for strategy B.2.6 Reduce Use of Tobacco Products, strike "2,662,173" in year 2012 and substitute "9,450,315", and strike "2,115,062" in year 2013 and substitute "9,450,315" to fully fund at 2010-2011 levels.

(d) On page II-47 for strategy C.2.1 Mental Health Community Hospitals, strike "29,239,096" in year 2012 and substitute "48,388,046.50" and strike "29,239,096" in year 2013 and substitute "48,388,046.50" to fund near recommended levels.

**Amendment No. 270 (by Eiland)** (R. Anderson, Branch, Carter, Christian, Cook, Craddick, Creighton, Dutton, Eissler, Flynn, Frullo, Gooden, Hancock, Harper-Brown, Hughes, Jackson, P. King, Kleinschmidt, Kolkhorst, Larson, Lavender, Legler, Lewis, Lyne, Margo, Orr, Parker, Patrick, Paxton, Phillips, Price, Schwertner, Sheffield, Shelton, T. Smith, Solomons, L. Taylor, V. Taylor, Truitt, Zedler, and Zerwas recorded voting no.)

Amend Amendment No. 269 to **CSHB 1** by Eiland (prefiled amendment packet, page 422), by striking the text of the rider added by the amendment and substituting the following:

\_\_\_\_\_. **TRANSFER OF CERTAIN REVENUE.** If **HB 259** or **HB 3675** or similar legislation relating to video service assessments and taxes on subscription providers by the 82nd Legislature, Regular Session, is enacted and becomes law,

it is the intent of the legislature that the comptroller transfer to the property tax relief fund established under Section 403.109, Government Code, all net revenue derived from the provisions of the legislation that is not allocated for the issuance of warrants to municipalities and counties and that is deposited to a fund other than the property tax relief fund, for purposes of:

(1) offsetting a reduction in net revenue derived from the tax imposed under Chapter 171, Tax Code, resulting from the enactment and becoming law of any legislation that retains the provision in Section 171.002(d), Tax Code, providing that a taxable entity as defined by Section 171.0002, Tax Code, with total revenue from its entire business of \$1 million or less is not required to pay any tax and is not considered to owe any tax under that chapter; and

(2) further reducing school district maintenance and operations ad valorem tax rates.

**Amendment No. 271 (by Hilderbran)** (Aliseda, C. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Button, Cain, Carter, Chisum, Christian, Cook, Creighton, Crownover, Dutton, Eissler, Elkins, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Huberty, Hughes, Hunter, Jackson, P. King, Kleinschmidt, Kolkhorst, Landtroop, Larson, Laubenberg, Lavender, Legler, Lyne, Mallory Caraway, Margo, Orr, Patrick, Paxton, Perry, Price, Schwertner, Scott, Sheffield, Shelton, Simpson, T. Smith, W. Smith, L. Taylor, V. Taylor, White, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 423

Amend **CSHB 1** (house committee printing), in Article XI of the bill, by adding the following appropriately numbered rider to the bill:

\_\_\_\_\_. Contingent Appropriation: Texas Derby. Contingent on the enactment of **HB 254** or similar legislation of the 82nd Legislature, Regular Session, 2011, relating to establishing an annual grade 1 stakes race of Texas-bred Thoroughbred and quarter horses called the Texas Derby and in addition to other amounts appropriated by this Act, the sum of \$\_\_\_\_ is appropriated from the general revenue fund to the Texas Racing Commission for the state fiscal biennium ending August 31, 2013, to establish the Texas Derby.

**Amendment No. 272 (by Guillen)** (C. Anderson, R. Anderson, Bohac, Bonnen, Carter, Chisum, Cook, Craddick, Creighton, S. Davis, Dutton, Frullo, Geren, Huberty, Isaac, S. King, Kolkhorst, Landtroop, Laubenberg, Legler, Lyne, Perry, Simpson, and Solomons recorded voting no.)

Floor Packet Page No. 424

Amend **CSHB 1** (house committee printing) in Article XI of the bill, by adding the following appropriately numbered rider to the bill:

\_\_\_\_\_. Contingent Appropriation for **HB 331**. Contingent on the enactment of **HB 331** or similar legislation of the 82nd Legislature, Regular Session, relating to the authority of the governing body of a municipality to create a municipal court equal justice and education fund and to require certain defendants to pay court costs for deposit in the fund, it is the intent of the legislature to authorize a municipality to require a defendant convicted of an

offense to pay a \$1 court cost for deposit into the municipality's municipal court equal justice and education fund and that money in the fund be retained by the municipality to finance certain municipal services.

**Amendment No. 273 (by S. Miller)** (C. Anderson, R. Anderson, Aycock, Bonnen, Branch, Brown, Button, Cain, Carter, Creighton, S. Davis, Driver, Dutton, Hancock, Huberty, Isaac, S. King, Kolkhorst, Larson, Lyne, Mallory Caraway, Schwertner, Scott, Solomons, V. Taylor, Weber, and Zerwas recorded voting no.)

Floor Packet Page No. 425

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering subsequent SECTIONS and updating any cross-references accordingly:

SECTION \_\_\_\_\_. Equine Dental Technicians. Contingent upon the passage of **HB 3637**, in addition to the amounts appropriated above, any fees collected in accordance with Section 12.045 of the Agriculture Code in fiscal year 2012 and fiscal year 2013 are hereby appropriated to the Department of Agriculture for the purposes of the program created under Section 12.045 of Agriculture Code.

**Amendment No. 274 (by T. King)** (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 426

Amend **CSHB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider \_\_\_\_\_. Out of the funds appropriated in this Act, not less than \$1.5 million shall be appropriated for the purposes of platting the City of Encinal. These funds shall be used in the designation of roads and right of ways to improve the community and increase their economic development opportunities.

**Amendment No. 275 (by P. King)** (Bonnen, Branch, Carter, Cook, S. Davis, Dutton, Frullo, Geren, Gooden, Lewis, Lyne, Phillips, Shelton, and Truitt recorded voting no.)

Floor Packet Page No. 427

Amend **CSHB 1** by adding the following appropriately numbered section to Part 18, Article IX, of the bill:

Sec. 18.\_\_\_\_. Contingency Appropriation for **HB 2247**. Contingent on the enactment and becoming law of **HB 2247** or similar legislation of the 82nd Legislature, Regular Session, 2011, relating to the eligibility of the Adjutant General's Department to receive funding from the Foundation School Program for students enrolled in the Texas ChalleNGe Academy, the amount appropriated each fiscal year to the Adjutant General's Department for Strategy C.1.1, Youth Education Programs, is increased by the amount of Foundation School Program funding for students enrolled in the academy received that year by the department from the Texas Education Agency through interagency contract.

**Amendment No. 276 (by Cook)** (Dutton, Flynn, Lewis, and Phillips recorded voting no.)

Floor Packet Page No. 428

Contingency Rider for **HB 11**. Contingent on the passage of **HB 11**, or similar legislation relating to the reporting of sales by persons involved in the manufacture and distribution of alcoholic beverages, by the Eighty-Second Legislature, Regular Session; the Comptroller of Public Accounts is hereby appropriated \$568,000 for the 2012-13 biennium out of the General Revenue Fund to implement the provisions of the legislation.

**Amendment No. 277 (by Frullo)** (Dutton and Solomons recorded voting no.)

Floor Packet Page No. 25

Amend **CSHB 1** as follows:

(1) On page I-12, of the bill pattern for the Office of the Attorney General, add the following new rider:

Contingency Appropriation Relating to **HB 3746**. In addition to amount appropriated above, contingent upon enactment of **HB 3746** by the Eighty-second Legislature, Regular Session, 2011, or similar legislation relating to imposing or increasing a fee for the benefit of Internet Crimes Against Children task forces, and certification of \$1,500,000 each fiscal year of the biennium in additional revenue above that which has been certified by the Comptroller of Public Accounts, the Office of the Attorney General is hereby appropriated \$1,500,000 out of the General Revenue Fund each fiscal year of the 2012-13 biennium to implement provisions of the legislation.

**Amendment No. 278 (by Phillips)** (Alonzo, Alvarado, Burnam, Coleman, Dukes, Dutton, Farrar, V. Gonzales, Gonzalez, Hernandez Luna, Mallory Caraway, Marquez, McClendon, Naishtat, Rodriguez, Turner, Villarreal, Vo, and Walle recorded voting no.)

Floor Packet Page No. 26

Amend **CSHB 1** by adding the following appropriately numbered rider in Article I after the appropriations to the Office of the Attorney General:

\_\_\_\_. Contingency Appropriation: Appropriation of Choose Life License Plate Receipts. Contingent upon passage of **HB 238**, **SB 257** or similar legislation, 100 percent of license plate revenue collected on or after September 1, 2011 (estimated to be \$6,600 in fiscal year 2012 and \$6,600 in fiscal year

2013), from the sale of license plates as provided by **HB 238**, **SB 257**, or similar legislation. Funds shall be deposited to the credit of the General Revenue - Dedicated Attorney General Choose Life Account. Any additional revenues received and deposited into the Attorney General Choose Life Account are hereby appropriated to the Office of the Attorney General for the same purpose.

**Amendment No. 279 (by Perry)** (Alonzo, Alvarado, Burnam, Coleman, Deshotel, Dukes, Dutton, Eiland, Farrar, V. Gonzales, Gutierrez, Hernandez Luna, Johnson, Mallory Caraway, Marquez, Martinez, McClendon, Menendez, Naishtat, Quintanilla, Rodriguez, Vo, and Walle recorded voting no.)

Floor Packet Page No. 41

Amend **CSHB 1** as follows:

(1) In Article I of the bill, following the appropriations to the Office of the Governor, add the following appropriately numbered rider:

\_\_\_\_\_. Contingent Establishment of Office of Inspector General. Contingent on the enactment of **HB 3101** or similar legislation of the 82nd Legislature, Regular Session, relating to the creation of an office of inspector general within the Office of the Governor that will be responsible for the investigation of fraudulent insurance acts in this state, including Medicaid fraud and fraud under the workers' compensation system, it is the intent of the legislature that the Office of the Governor use an appropriate portion of the money appropriated to the office by this Act and available for the purpose to establish the office of inspector general in the manner provided by that legislation.

(2) In Article II of the bill, following the appropriations to the Health and Human Services Commission, add the following appropriately numbered rider:

\_\_\_\_\_. Contingent Transfers: Office of Inspector General and State Court on Insurance and Medicaid Fraud. Contingent on the enactment of **HB 3101** or similar legislation of the 82nd Legislature, Regular Session, relating to the creation of an office of inspector general within the Office of the Governor that will be responsible for the investigation of fraudulent insurance acts in this state, including Medicaid fraud and fraud under the workers' compensation system, it is the intent of the legislature that if, not later than September 1, 2012, the comptroller of public accounts, with the cooperation of that office of inspector general, the Health and Human Services Commission, the Texas Department of Insurance, and the Office of the Attorney General, makes a finding of fact that, as a result of investigations initiated or conducted by that office of inspector general, at least \$6,000,000 of nondedicated general revenue money appropriated to the commission for the state fiscal biennium ending August 31, 2013, is recovered, not expended on ineligible claims for benefits, or otherwise saved by this state, the comptroller shall transfer the amount equal to the total amount recovered, not expended, or otherwise saved, but not to exceed \$31,500,000, as follows:

(1) \$6,000,000 to the Office of Court Administration of the Texas Judicial System to be used during the state fiscal biennium ending August 31, 2013, to establish and operate the state court on insurance and Medicaid fraud contingent on the enactment of **HB 2873** or similar legislation of the 82nd Legislature, Regular Session, providing for the establishment of that court; and

(2) any remaining amount for the continued operations of the office of inspector general.

**Amendment No. 280 (by Gutierrez)** (C. Anderson, R. Anderson, Beck, Berman, Brown, Button, Carter, Cook, Craddick, Creighton, S. Davis, Dutton, Elkins, Fletcher, Frullo, Garza, L. Gonzales, Hancock, Harper-Brown, Hilderbran, D. Howard, Huberty, Hunter, Jackson, P. King, S. King, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Madden, S. Miller, Murphy, Orr, Otto, Paxton, Phillips, Price, Sheets, Smithee, Solomons, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 76

Amend **CSHB 1** in Article I of the bill by adding the following appropriately numbered rider following the appropriations to the Library and Archives Commission:

\_\_\_\_\_. \$2,000,000 dollars shall be appropriated over the biennium to the Library and Archives Goal A.1.1 Library Resource Sharing Service from funds appropriated to the Texas Highway Magazine.

**Amendment No. 281 (by Gutierrez)** (Dutton recorded voting no.)

Amend the amendment to **CSHB 1** as follows:

(1) Contingent upon the passage and enactment of **HB 2001** or similar legislation by the Eighty-second Legislature that repeals the tax exemption on high cost gas production; or the passage and enactment of **HB 1936** or similar legislation by the Eighty-second Legislature which equalizes the amount of allowable importation of alcoholic beverages for Texas residents and non-residents; or the passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations; or upon implementation through legislation or other any other manner of non-tax revenue generating measures recommended by the Eighty-second Legislature's Senate Finance Subcommittee on Fiscal Matters, then;

(2) On page I-68, in the appropriations to the Library and Archives Commission, increase Strategy A.1.2: Aid to Local Libraries, by \$1,500,000 in fiscal year 2012 and by \$1,500,000 in fiscal year 2013.

(3) On page I-68, in the appropriations to the Library and Archives Commission, increase funding for Rider 7 to \$1,500,000 for each year of the following biennium.

(4) In Article I, amend the bill pattern for the Library & Archives Commission by inserting the following appropriately numbered riders to read as follows and renumbering any subsequent riders accordingly:

\_\_\_\_\_. Lone Star Libraries Grants. Out of amounts appropriated above in Strategy A.1.2, Aid to Local Libraries, the agency shall expend \$1,500,000 in fiscal year 2012 and \$1,500,000 in fiscal year 2013 from the General Revenue Fund for Lone Star Libraries grants.

\_\_\_\_\_. \$250,000 shall be appropriated to Rider 7. Contingency for K-12 TexShare Database Program over the next biennium from the Department of Rural Affairs Goal A.1.1 Strategy to Provide Grants for Community and Economic Development Projects.

**Amendment No. 282 (by Alonzo)** (Beck, Berman, Branch, Button, Carter, Chisum, Christian, Cook, Dutton, Eissler, Elkins, Flynn, Garza, L. Gonzales, D. Howard, Huberty, Jackson, Landtroop, Laubenberg, Legler, Lewis, Otto, Perry, Phillips, Simpson, V. Taylor, and Workman recorded voting no.)

Floor Packet Page No. 81

Amend **CSHB 1** in Article I by inserting the following rider, appropriately numbered, following the appropriations to the Texas Veterans Commission:

\_\_\_\_\_. Texas Veterans Commission: Veterans Resource Centers. Out of the amount appropriated above out of the general revenue fund in Strategy A.1.3, Veterans Education, it is the intent of the legislature that, to the extent authorized by general law, the commission establish and administer veterans resource centers at institutions of higher education in the state to:

- (1) provide a centralized place for veterans to find assistance and information while enrolled at an institution of higher education;
- (2) deliver innovative, cost-effective programs to attract veterans and family members of veterans to attend public institutions of higher education;
- (3) enable institutions of higher education to create veteran-friendly environments;
- (4) encourage veterans to take advantage of government educational programs; and
- (5) assist veterans in applying to public institutions of higher education.

**Amendment No. 283 (by Naishtat)** (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Hilderbran, C. Howard, Huberty, Hughes, Hunter, Isaac, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 88

Amend **CSHB 1** as follows:

- (1) On page II-2, Add the following appropriately numbered rider:

\_\_\_\_\_. Contingency Rider for Nursing Facility Payments. Contingent upon passage and enactment of **HB 2001** or similar legislation by the Eighty-second Legislature that repeals tax exemptions for high cost gas production, the Department of Aging and Disability Services, Strategy A.6.1, Nursing Facility Payments is hereby appropriated \$792,850,832.

**Amendment No. 284 (by Naishtat)** (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, C. Howard, Huberty, Hughes, Hunter, Isaac, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 94

Amend **CSHB 1**, page II-2, as follows by adding the following appropriately numbered rider:

\_\_\_\_\_. Contingency Rider for **HB 1317**. Contingent upon passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations, the revenue generated by said legislation shall be appropriated to the Department of Aging and Disability Services, Strategy A.2.3, Community Attendant Services

**Amendment No. 285 (by Naishtat)** (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, C. Howard, Huberty, Hughes, Hunter, Isaac, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 95

Amend **CSHB 1**, page II-2, as follows by adding the following appropriately numbered rider:

\_\_\_\_\_. Contingency Rider for **HB 1317**. Contingent upon passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations, the revenue generated by said legislation shall be appropriated to the Department of Aging and Disability Services, Strategy A.2.1., Primary Home Care.

**Amendment No. 286 (by Alonzo)** (Beck, Berman, Branch, Brown, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Harless, Harper-Brown, C. Howard, D. Howard, Huberty, Hughes, Isaac, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lyne, Margo, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheffield, Shelton, T. Smith, W. Smith, Smithee, V. Taylor, Truitt, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 103

Amend **CSHB 1** (house committee printing) in Article II of the bill, by inserting the following rider, appropriately numbered, following the appropriations to the Department of Family and Protective Services:

\_\_\_\_\_. Department of Family and Protective Services: Adoption Assistance Agreements. Out of amounts appropriated above in Strategy B.1.12, Adoption/PCA Payments, the Department of Family and Protective Services shall subsidize under an adoption assistance agreement the adoption of a child in foster care by an adoptive parent whose family income is less than 300 percent of the federal poverty level if, based on factors specified in rules of the department, the department determines the child would otherwise have been expected to remain in foster care until the child's 18th birthday and this state would have made foster care payments for that care. The amount of the subsidy to be paid is equal to the amount that would have been paid to the child's foster parent based on the child's foster care service level on the date the department and the adoptive parent enter into the adoption assistance agreement.

**Amendment No. 287 (by Guillen)** (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, C. Howard, Huberty, Hughes, Hunter, Isaac, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Orr, Otto, Parker, Patrick, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, and Zedler recorded voting no.)

Floor Packet Page No. 145

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission, by adding the following appropriately numbered rider, and renumbering subsequent riders accordingly:

\_\_\_\_\_. Contingent Establishment of Community-Based Navigator Program. Contingent on the enactment of **HB 2610** or similar legislation of the 82nd Legislature, Regular Session, relating to the establishment of a statewide community-based navigator program through which the Health and Human Services Commission will recruit, train, and certify as navigators volunteers and other representatives of faith- and community-based organizations to assist individuals applying or seeking to apply online for public assistance benefits administered by the commission through the Texas Integrated Eligibility Redesign System (TIERS) or other electronic eligibility system that is linked to or made a part of that system, it is the intent of the legislature that the commission use an appropriate portion of the money appropriated to the commission by this Act and available for the purpose to establish the navigator program in the manner provided by that legislation.

**Amendment No. 288 (by Crossover)** (Beck, Cain, Christian, Creighton, Dutton, Flynn, Frullo, Hughes, Larson, Laubenberg, Lavender, Lyne, Simpson, Weber, and White recorded voting no.)

Floor Packet Page No. 153

Amend **CSHB 1** on page II-97 in the Health and Human Services Commission bill pattern by adding the following new rider:

\_\_\_\_\_. Contingency for **HB 670**. Contingent on the passage of **HB 670**, all cost savings to the state actualized by this bill's provisions for the 2012-13 biennium, estimated to be \$13,194,224 in General Revenue and \$31,359,000 in All Funds, shall be redistributed to the Health and Human Services Commission, at the discretion of the Executive Commissioner, to address the needs of the Texas Medicaid Program.

**Amendment No. 289 (by Coleman)** (Aliseda, C. Anderson, Aycock, Beck, Berman, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Geren, L. Gonzales, Gooden, Hancock, Hardcastle, Harless, Harper-Brown, Hilderbran, C. Howard, Huberty, Hughes, Hunter, Isaac, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Morrison, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, V. Taylor, Truitt, Weber, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 191

Amend **CSHB 1** as follows:

(1) On page III-2, Add the following appropriately numbered rider:

\_\_\_\_\_. Contingency Rider for the Foundation School Program. Contingent upon passage and enactment of **HB 2114** or similar legislation by the Eighty-second Legislature that creates a beverage container redemption program and places a refundable deposit on certain beverages, the Texas Education Agency, Strategy A.1.1, the Foundation School Program - Equalized Operations is hereby appropriated the funds generated by and not otherwise allocated in **HB 2114**.

**Amendment No. 290 (by Burnam)** (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Hardcastle, Harless, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kolkhorst, Kuempel, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Walle, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 196

Amend **CSHB 1** in Article III of the bill, following the appropriations to the Texas Education Agency (page III-3), by adding the following appropriately numbered rider:

Contingency Appropriation for **HB 2001**: Revenue from Reduction of High Cost Gas Exemption. Contingent upon passage of **HB 2001** or similar legislation reducing or repealing the exemption from or reduction of natural gas production taxes paid on certain high cost gas, in addition to the amounts appropriated above, there is hereby appropriated to the Foundation School Program any additional revenues generated from the reduction or elimination of the high cost gas exemption or reduction under Section 201.057, Tax Code, for the purpose of allocations to local school districts under Chapters 41, 42, and 46, Education Code.

**Amendment No. 291 (by Eiland and L. Taylor)** (Aliseda, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, Driver, Dutton, Eissler, Elkins, Flynn, Frullo, Geren, L. Gonzales, Gooden, Gutierrez, Hancock, Hardcastle, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, Jackson, Johnson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Morrison, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, V. Taylor, Truitt, Weber, White, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 206

Amend **CSHB 1** as follows:

(1) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.1.1. TRS - Public Education Retirement by \$20,538,828 in fiscal year 2012 and \$20,949,604 in fiscal year 2013.

(2) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.1.2 - TRS - Higher Education Retirement by \$2,686,836 in fiscal year 2012 and \$2,740,573 in fiscal year 2013 and decrease the General Revenue Dedicated - Estimated Other Educational and General Income Account No. 770 appropriation by \$3,159,159 in fiscal year 2012 and \$3,222,342 in fiscal year 2013.

(3) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.2.1 Retiree Health - Statutory Funds by \$2,075,151 in fiscal year 2012 and \$2,116,654 in fiscal year 2013.

(4) On page III-139, increase the General Revenue Fund No. 1 appropriation for The University of Texas Medical Branch at Galveston in Strategy D.1.1. Medical Branch Hospitals by \$24,871,922 in fiscal year 2012 and \$25,377,938 in fiscal year 2013.

(5) On page III-143, increase the General Revenue Fund No. 1 appropriation for The University of Texas Health Science Center at Houston in Strategy D.1.1. Dental Clinic Operations by \$117,203 in fiscal year 2012 and \$117,203 in fiscal year 2013.

(6) On page III-146, increase the General Revenue Fund No.1 appropriation for The University of Texas Health Science Center at San Antonio in Strategy D.1.1. Dental Clinic Operations by \$304,799 in fiscal year 2012 and \$304,799 in fiscal year 2013.

(7) On page III-155, increase the General Revenue Fund No.1 appropriation for Texas A&M University System Health Science Center in Strategy D.1.1. Dental Clinic Operations by \$6,891 in fiscal year 2012 and \$6,891 in fiscal year 2013.

**Amendment No. 292 (by Coleman)** (Aliseda, C. Anderson, R. Anderson, Berman, Branch, Brown, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, Hancock, Hardcastle, Harless, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Larson, Laubenberg, Legler, Lewis, Margo, S. Miller, Morrison, Orr, Otto, Parker, Patrick, Perry, Phillips, Schwertner, Sheffield, Shelton, Simpson, T. Smith, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 208

Amend **CSHB 1** Article III, Teacher Retirement System, Rider 5, to read as follows contingent upon the passage of **HB 2001**:

State Contribution to Texas Public School Retired Employees Group Insurance Program. The amounts specified above in A.2.1, Retiree Health-Statutory Funds, ~~\$136,349,002~~ \$272,698,004 in fiscal year 2012 and ~~\$139,075,982~~ \$278,151,964 in fiscal year 2013 are based on a state contribution rate of ~~0.50~~ 1.0 percent of payroll for each fiscal year, estimated.

The retirement system shall notify the Legislative Budget Board, the Governor, and its membership prior to establishing premiums, regarding the impact such premiums will have on retiree costs for TRS-Care insurance.

It is the intent of the Legislature that the Teacher Retirement System control the cost of the retiree insurance program by not providing rate increases to health care providers and pharmacy providers during the 2012-13 biennium without providing 60 days notice to the Legislative Budget Board.

**Amendment No. 293 (by Alonzo)** (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 219

Amend **CSHB 1** (house committee printing) under the Article III provisions for the Texas Higher Education Coordinating Board (pages III-33 to III-46) by adding the following appropriately numbered item:

\_\_\_\_\_. Texas Higher Education Coordinating Board: Financial Incentive Program to Prepare Teachers in Bilingual Education, English as a Second Language, and Spanish.

a. It is the intent of the legislature that the Texas Higher Education Coordinating Board establish and administer a program to provide financial incentives such as tuition assistance or student loan repayment to:

(1) assist persons in obtaining certification to teach bilingual education, English as a second language, or Spanish in a public elementary or secondary school in this state; and

(2) facilitate the employment of those persons by a public elementary or secondary school in this state that has a shortage of teachers certified to teach in those fields.

b. The Coordinating Board may use a portion of any undedicated general revenue funds otherwise appropriated to the Coordinating Board by this Act for the purpose of establishing and administering the program described by this rider.

**Amendment No. 294 (by Alonzo)** (Branch, Christian, Dutton, Eissler, Flynn, Isaac, Kolkhorst, Landroop, Larson, Lewis, Phillips, Price, Shelton, Smithee, Truitt, and White recorded voting no.)

Floor Packet Page No. 239

Amend **CSHB 1** (house committee printing) by adding the following appropriately numbered SECTION under the special provisions relating only to state agencies of higher education in ARTICLE III of the bill (page III-200), and renumbering existing SECTIONS of that article accordingly:

Sec. \_\_\_\_\_. Texas Optometry Career Opportunities Program at University of Houston. It is the intent of the legislature that the University of Houston may operate an optometry career program that prepares highly qualified, economically disadvantaged students from any public or private institution of higher education for advanced studies and a career in the field of optometry and that the university solicit and accept gifts and grants for that purpose. The University of Houston may use a portion of the available general revenue funds otherwise appropriated to the institution by this Act, including gifts and grants, for the purpose of establishing and operating such a program at the institution.

**Amendment No. 295 (by Turner)** (Berman, Brown, Button, Cain, Christian, Dutton, Eissler, Flynn, D. Howard, Isaac, Jackson, Landroop, Larson, Laubenberg, Lavender, Lewis, Patrick, Phillips, Price, Smithee, V. Taylor, and Truitt recorded voting no.)

Floor Packet Page No. 232

Amend **CSHB 1** (house committee printing) in Article III of the bill, following the appropriations to The University of Texas Health Science Center at Houston, by amending Rider 2 (Texas Heart Institute) to read as follows:

2. Texas Heart Institute. Out of the funds appropriated above, The University of Texas Health Science Center at Houston shall allocate up to \$894,133 in each year of the 2012-13 biennium to the Texas Heart Institute for gene therapy and up to \$399,086 in each year of the 2012-13 biennium to the Texas Heart Institute for cardiovascular research. The funds provided in Strategy E.2.1 for heart disease and stroke research shall be used only in connection with programs of the Texas Heart Institute.

**Amendment No. 296 (by Schwertner)** (Bohac, Carter, Christian, Dutton, Flynn, D. Howard, Isaac, Menendez, Phillips, Price, Quintanilla, V. Taylor, and Truitt recorded voting no.)

Amend Amendment No. 295 by Turner to **CSHB 1** (page 231 of the prefiled amendment packet) by adding the following to the end of the amendment:

Sec. \_\_\_\_\_. The Texas A&M University System Health Science Center. The Texas A&M University System Health Science Center is appropriated \$3,000,000 for the fiscal year ending August 31, 2012, and 3,000,000 for the fiscal year ending August 31, 2013, to The Texas A&M University System Health Science Center in Strategy E.1.4. College Station, Temple, Round Rock—Medical (page III-155) for the purpose of enrolling additional medical students over and above its full-time equivalent student base used for the state

fiscal biennium ending August 31, 2013. Any unexpended balances remaining as of August 31, 2012, out of appropriations made by this provision are appropriated to The Texas A&M University System Health Science Center for the fiscal year beginning September 1, 2012, for the same purpose.

**Amendment No. 297 (by Zedler)** (Aliseda, Alonzo, Alvarado, Anchia, R. Anderson, Beck, Branch, Burkett, Burnam, Coleman, Cook, S. Davis, Deshotel, Driver, Dukes, Dutton, Eiland, Eissler, Farrar, Flynn, Frullo, Giddings, L. Gonzales, V. Gonzales, Gonzalez, Gooden, Gutierrez, Harless, Harper-Brown, Hernandez Luna, D. Howard, Huberty, Hunter, Johnson, Keffer, Kolkhorst, Kuempel, Landroop, Laubenberg, Lavender, Lucio, Lyne, Mallory Caraway, Margo, Marquez, Martinez, Martinez Fischer, McClendon, Muñoz, Naishtat, Orr, Peña, Price, Raymond, Rodriguez, Schwertner, Scott, Sheets, Smithee, Torres, Veasey, Villarreal, Vo, and Walle recorded voting no.)

Floor Packet Page No. 251

Amend **CSHB 1** as follows:

(1) On page IV-33 of the bill pattern, strike D.1.4. Strategy: PUBLIC INTEGRITY UNIT, TRAVIS CO, and renumber accordingly.

(2) On page IV-34 of the bill pattern, strike Rider 38, Public Integrity Unit: Appropriation Source, Unexpended Balances, and Performance Reporting, and renumber accordingly.

Contingent upon passage of **HB 1928**, or similar legislation, amend **CSHB 1** as follows:

(3) In Article I, Office of the Attorney General, on page \_\_\_\_, add a new goal to read as follows and number and insert the letter accordingly:

"\_\_\_\_. Goal: SPECIAL PROGRAMS. \_\_\_\_\_.1.1. Strategy: PUBLIC INTEGRITY UNIT."

(4) In Article I, Office of the Attorney General, on page \_\_\_\_, add a line item and authorize General Revenue appropriations in the amount of \$3,368,684 in each fiscal year for Strategy \_\_\_\_\_.1.1, PUBLIC INTEGRITY UNIT, and number and insert the letter accordingly.

(5) In Article I, Office of the Attorney General, on page \_\_\_\_, add a new rider to read as follows and number it accordingly:

"\_\_\_\_. Public Integrity Unit. The Public Integrity Unit, Office of the Attorney General, shall submit a report each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The report must be in a format prescribed by the Legislative Budget Board and the Governor and must include annual statistical information on fraud investigations of the Public Integrity Unit."

**Amendment No. 298 (by Geren)** (Dutton recorded voting no.)

Amend Amendment No. 297 to **CSHB 1** (prefiled amendment packet, page 251) by striking everything after "**CSHB 1**" and substituting the following:

by inserting the following appropriately-numbered rider in Article XI of the bill:

\_\_\_\_\_. CONTINGENCY APPROPRIATION RELATED TO **HB 1928**. Contingent on the enactment and becoming law of **HB 1928** or similar legislation of the 82nd Legislature relating to the prosecution of offenses against public administration, including ethics offenses, offenses involving insurance fraud, and offenses involving motor fuels tax, the amount appropriated to the Judiciary Section, Comptroller's Department on page IV-33 in Strategy D.1.4 to the Public Integrity Unit, Travis County, is appropriated to the Office of the Attorney General for the purpose of implementing the legislation. If **HB 1928** or similar legislation of the 82nd Legislature is enacted and becomes law, the Public Integrity Unit, Office of Attorney General, shall submit a report each January 1 to the Legislative Budget Board and the Governor the preceding fiscal year ending August 31 in a format prescribed by the Board and the Governor that includes annual statistical information on fraud investigations of the Public Integrity Unit.

**Amendment No. 299 (by Hartnett)** (C. Anderson, R. Anderson, Berman, Christian, Dutton, Flynn, Isaac, Laubenberg, Paxton, Phillips, Price, and Solomons recorded voting no.)

Floor Packet Page No. 252

On page IV-40 of the bill pattern for Special Provisions - Judiciary, add the following new rider:

\_\_\_\_\_. Contingency Appropriation for **HB 2174**. Contingent on passage of **HB 2174**, or similar legislation relating to the establishment of the judicial access and improvement account to provide funding for basic civil legal services, indigent defense, and judicial technical support through certain county service fees and court costs, by the Eighty-second Legislature, Regular Session, in addition to amounts appropriated elsewhere in this Act, there is hereby appropriated out of the fee revenue generated due to implementation of provisions of the **HB 2174** the following amounts:

a. \$3,500,000 in each fiscal year to the Office of Court Administration in Strategy A.2.1, Indigent Defense from the General Revenue-Dedicated Fair Defense Account No. 5073 to restore grants to counties.

In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available. Further, in the event that actual receipts or revenue collections generated by enactment of **HB 2174**, or similar legislation, are in excess of the amounts appropriated by this provision, these amounts are appropriated for the purposes of basic civil legal services, indigent defense, and judicial technical support.

Any unexpended balances remaining as of August 31, 2012, out of appropriations herein are hereby appropriated to the respective agency or court for the fiscal year beginning September 1, 2012, for the same purposes.

**Amendment No. 300 (by Thompson)** (Aycock, Beck, Berman, Bonnen, Brown, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Fletcher, Flynn, Frullo, Garza, L. Gonzales, Hancock, Harless, Hilderbran, Huberty, Hunter, Isaac, P. King, S. King, Kolkhorst, Kuempel, Landtroop, Laubenberg, Legler, Lewis, Lyne, S. Miller, Orr, Parker, Paxton, Perry, Phillips, Price, Simpson, Solomons, L. Taylor, Truitt, Weber, Workman, and Zedler recorded voting no.)

Floor Packet Page No. 253

Amend **CSHB 1** (house committee printing) in Article IV of the bill, following the Special Provisions - Judiciary, by adding the following appropriately numbered rider to the bill:

\_\_\_\_\_. Contingent Appropriation for **HB 2502**. (a) Contingent on the enactment of **HB 2502** or similar legislation of the 82nd Legislature, Regular Session, relating to the fees collected by district court clerks on the filing of certain civil actions or proceedings to fund basic civil legal services, in addition to the other amounts appropriated in this Act, from the fee revenue generated from implementing **HB 2502**, \$3,300,000 is appropriated to the Supreme Court of Texas for Strategy B.1.1., Basic Civil Legal Services, in each state fiscal year of the biennium ending August 31, 2013.

(b) If the actual or projected revenue collections are insufficient to offset the money appropriated under Subsection (a) of this rider, the Legislative Budget Board may direct the comptroller of public accounts to reduce the amount of the appropriation to equal the estimated available revenue. If the actual receipts or revenue collections generated by the enactment of **HB 2502**, or similar legislation, exceed the amount appropriated under Subsection (a) of this rider, the amount that exceeds the amount appropriated under Subsection (a) is appropriated to the Supreme Court of Texas for Strategy B.1.1., Basic Civil Legal Services, in each state fiscal year of the biennium ending August 31, 2013.

(c) Of the appropriations made under Subsections (a) and (b) of this rider, any unexpended balances remaining on August 31, 2012, are appropriated to the district court that collected the fee under **HB 2502** for the state fiscal year beginning September 1, 2011, for basic civil legal services.

**Amendment No. 301 (by Madden)** (Dutton and Mallory Caraway recorded voting no.)

Floor Packet Page No. 274

On page V-XX of **CSHB 1**, add the following rider:

X. Contingency Rider for the Creation of the Juvenile Justice Department. Contingent upon the passage and enactment of **SB 653**, relating to the creation of the Juvenile Justice Department, or similar legislation, by the Eighty-second Legislature, Regular Session, 2011, all funds appropriated herein to the Texas Youth Commission and Juvenile Probation Commission are to be transferred to the Juvenile Justice Department in the following bill pattern:

**A. Goal: Community Juvenile Justice**

2012

2013

A.1.1. Community Supervision	\$	XX	XX
A.1.2. Post-adjudication Facilities		XX	XX
A.1.3. Juvenile Justice Alternative Education Programs		XX	XX
A.2.1. Training and Certification		XX	XX
A.2.2. Monitoring and Inspections		XX	XX
<b>Total Goal A: Community Juvenile Justice</b>	\$	XX	XX
<b>B. Goal: State Services and Facilities</b>			
B.1.1. Assessment and Orientation	\$	XX	XX
B.1.2. Facility Operations		XX	XX
B.1.3. Education		XX	XX
B.1.4. Halfway House Operations		XX	XX
B.1.5. Health Care		XX	XX
B.1.6. Mental Health (Psychiatric) Care		XX	XX
B.1.7. General Rehabilitation Treatment		XX	XX
B.1.8. Specialized Rehabilitation Treatment		XX	XX
B.1.9. Contract Capacity		XX	XX
B.1.10. Parole Services		XX	XX
B.2.1. Office of the Inspector General		XX	XX
B.2.2. Office of the Independent Ombudsman		XX	XX
B.2.3. Health Care Oversight		XX	XX
B.2.4. Interstate Agreement		XX	XX
<b>Total Goal B: State Service and Facilities</b>	\$	XX	XX
<b>C. Goal: Indirect Administration</b>			
C.1.1. Central Administration	\$	XX	XX
C.1.2. Information Resources		XX	XX
<b>Total Goal B: State Service and Facilities</b>	\$	XX	XX

The Legislative Budget Board and the Governor's Office of Budget, Planning and Policy, shall work together to perfect the bill pattern of the consolidated agency, ensuring that it reflects the above structure.

The riders included in the bill patterns of the Juvenile Probation Commission and the Texas Youth Commission are to be added to the bill pattern of the consolidated Juvenile Justice Department, with all references to either the Juvenile Probation Commission or the Texas Youth Commission replaced with the Juvenile Justice Department, with the addition of the following riders:

A.

**Amendment No. 302 (by Madden)** (Berman, Dutton, Flynn, Hardcastle, Isaac, Landtroop, and Mallory Caraway recorded voting no.)

Floor Packet Page No. 269

Amend **CSHB 1** in Article V of the bill, Rider 54, page V-22 contingent upon passage of **HB 1908**, by removing the rider.

**Amendment No. 303 (by Madden)** (C. Anderson, Berman, Christian, Cook, Dutton, Flynn, Hunter, Isaac, Landtroop, Lewis, Mallory Caraway, and Phillips recorded voting no.)

Floor Packet Page No. 271

Amend **CSHB 1**, Article V, page V-24, add the following: contingent on the passage of **HB 3386**, allocate additional funds, received as a result of the annual inmate fee, to the cost of correctional health care Strategy C.1.8.

**Amendment No. 304 (by Madden)** (Dutton recorded voting no.)

Amend Amendment No. 303 by Madden to **CSHB 1** (page 271 of the prefiled amendment packet), by striking the language on lines 2 through 4 and substituting the following:

Contingent on the passage of **HB 3386** or similar legislation enacted by the 82nd legislature, allocate:

(1) additional funds received as a result of imposing an annual inmate fee to the cost of correctional health care Strategy C.1.8; and

(2) 50 percent of any adult correctional savings in the 2012-2013 biennium achieved through provisions other than a provision imposing an annual inmate fee in equal proportion to Article V, Strategies A.1.2, A.1.3, and A.1.4.

**Amendment No. 305 (by McClendon)** (C. Anderson, Berman, Branch, Brown, Button, Cain, Christian, Dutton, Eissler, Flynn, L. Gonzales, Gooden, Huberty, Hughes, P. King, Kleinschmidt, Kolkhorst, Larson, Laubenberg, Lavender, Legler, Lewis, Margo, Morrison, Parker, Patrick, Paxton, Perry, Phillips, Price, Sheffield, T. Smith, W. Smith, V. Taylor, Truitt, and Zedler recorded voting no.)

Floor Packet Page No. 275

Amend **CSHB 1** (house committee printing) in Article V of the bill, following the appropriations to the JUVENILE PROBATION COMMISSION, in Rider 2 (page V-30), to read: Restrictions, State Grants ~~Aid~~. None of the funds appropriated above and allocated to local juvenile probation boards shall be expended for salaries or expenses of juvenile board members. None of the funds appropriated above and allocated to local juvenile probation boards shall be expended for salary increases of existing personnel in an amount greater than 12% of the previous year without approval of TJPC. ~~salaries of personnel that exceed 112% of the previous year.~~

**Amendment No. 306 (by Madden)** (Dutton, Hardcastle, and Mallory Caraway recorded voting no.)

Floor Packet Page No. 284

Amend **CSHB 1**, Article V, Texas Youth Commission, page V-47 through V-53, Texas Youth Commission lease terminations. The reduction in appropriations to the Texas Youth Commission will result in consolidations of staffing and physical plant for cost effectiveness. Texas Youth Commission is hereby authorized to terminate leases during the FY 2012-13 biennium to close

district and other offices as needed. Texas Youth Commission shall work with the Texas Facility Commission to execute timely lease terminations consistent with organizational changes and closures resulting from reduced appropriations.

**Amendment No. 307 (by Madden)** (Dutton, Gutierrez, D. Howard, and Mallory Caraway recorded voting no.)

Floor Packet Page No. 286

Amend **CSHB 1** in Article V of the bill, Texas Youth Commission, page V-51, Rider No. 5, by deleting the rider.

**Amendment No. 308 (by Hamilton)** (Berman, Bohac, Branch, Brown, Button, Cain, Christian, Dutton, Eissler, Elkins, Flynn, L. Gonzales, Gooden, Gutierrez, Harless, Harper-Brown, D. Howard, Hughes, P. King, Kleinschmidt, Kolkhorst, Landtroop, Larson, Legler, Lewis, Margo, Morrison, Patrick, Perry, Phillips, Price, Schwertner, Sheffield, Shelton, T. Smith, W. Smith, Smithee, V. Taylor, Truitt, and Zedler recorded voting no.)

Floor Packet Page No. 288

Amend **CSHB 1**, following the appropriations to the Texas Youth Commission in Article V of the bill (page V-51), by adding the following appropriately numbered rider:

\_\_\_\_\_. Inspire, Encourage, Achieve. Notwithstanding the appropriation made under Strategy C.1.1, General Rehabilitation Treatment, the amount of that appropriation is reduced by \$400,000, and an appropriation is made to Inspire, Encourage, Achieve in the amount of \$400,000 for the state fiscal biennium ending August 31, 2013.

**Amendment No. 309 (by Giddings)** (Aliseda, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Craddick, Creighton, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Hardcastle, Harless, Harper-Brown, Hilderbran, Hughes, Hunter, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 305

Included in the amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, is \$12,500,000 in each fiscal year of the 2012-13 biennium in estimated fee revenues from vehicle inspection and maintenance fees generated pursuant to Health and Safety Code, §§ 382.202 and 382.302, to fund the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP). Of the amounts, not more than \$500,000 in each fiscal year shall be used by the Texas Commission on Environmental Quality (TCEQ) for costs associated with administering the LIRAP as authorized in Health and Safety Code § 382.202, and

all remaining funds shall be used as LIRAP grants to local governments. Also included in the amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, is \$3,750,000 in each fiscal year of the 2012-13 biennium in unexpended balances in the Clean Air Account No. 151 to be used only for purposes authorized in Chapter 382 of the Health and Safety Code for county-implemented local initiatives projects to reduce air emissions, including but not limited to the following: the expansion of AirCheck Texas Repair and Replacement Assistance Program; development and implementation of remote emissions-sensing systems, the Texas Commission on Environmental Quality's (TCEQ) Smoking Vehicle program, and the enhancement of transportation system improvements; and coordination with local law enforcement to reduce counterfeit inspection stickers. In addition to the amounts appropriated above, there is hereby appropriated to the TCEQ for the biennium beginning on September 1, 2011 any additional revenues from vehicle inspection and maintenance fees generated from additional counties participating in the LIRAP beginning on or after September 1, 2011. Such funds shall be used to provide grants to local governments and to cover administrative costs of the TCEQ in administering the LIRAP.

**Amendment No. 310 (by Workman)** (Alonzo, Alvarado, C. Anderson, Berman, Branch, Burnam, Carter, Christian, Coleman, Deshotel, Dukes, Dutton, Eissler, Farrar, Flynn, V. Gonzales, Gonzalez, Gooden, Gutierrez, Hernandez Luna, Hughes, Johnson, P. King, Kolkhorst, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Mallory Caraway, Margo, Marquez, Martinez, McClendon, Menendez, Morrison, Muñoz, Naishtat, Paxton, Phillips, Price, Raymond, Rodriguez, Schwertner, Sheets, Sheffield, Shelton, T. Smith, W. Smith, V. Taylor, Turner, Villarreal, Vo, Walle, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 321

Amend **CSHB 1** as follows:

(1) Under the Article VI appropriations to the Railroad Commission, add the following appropriately numbered rider:

\_\_\_\_\_. Contingency for **HB 1273**. Contingent on **HB 1273**, 82nd Legislature, Regular Session, 2011, or other similar legislation relating to the regulation of propane utility companies, being enacted and becoming law:

(1) the general revenue appropriations for Strategy A.2.1, Gas Utility Compliance, are increased by \$150,000 for the fiscal year ending August 31, 2012, and increased by \$150,000 for the fiscal year ending August 31, 2013; and

(2) the general revenue appropriations for Strategy A.3.1, Promote Alternative Energy Resource, are reduced by \$150,000 for the fiscal year ending August 31, 2012, and reduced by \$150,000 for the fiscal year ending August 31, 2013.

(2) Adjust the article totals and methods of financing accordingly.

**Amendment No. 311 (by Coleman)** (C. Anderson, Berman, Button, Cain, Craddick, Dutton, Eissler, Flynn, Huberty, Isaac, Jackson, Kolkhorst, Lavender, Legler, Lyne, Paxton, Phillips, Shelton, Smithee, Truitt, and Zedler recorded voting no.)

Floor Packet Page No. 326

Amend **CSHB 1** as follows:

(1) In Article VII, page \_\_\_\_, reduce general revenue funding for the Texas Lottery Commission, Strategy A.1.8, Mass Media Advertising by \$7,184,949 in FY2012 and by \$7,184,950 in FY2013.

(2) Increase funding in Article III, page \_\_\_\_, strategy B.1.4, Educational Aide Program, by \$7,184,949 in FY2012 and by \$7,184,950 in FY2013.

Amend **CSHB 1**, Article III Higher Education Coordinating Board to add the following appropriately numbered rider:

\_\_\_\_: Educational Aide Program. The amounts appropriated above in Strategy B.1.4, Educational Aide Program, shall be expended by the Higher Education Coordinating Board so as to ensure priority for persons who have previously been awarded a tuition exemption in order that they may complete teacher certification. Any balances on hand at the end of fiscal year 2012 may be carried over to fiscal year 2013 and any such funds are appropriated for fiscal year 2013 for the same purpose.

**Amendment No. 312 (by Alonzo)** (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Brown, Burkett, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 342

Amend **CSHB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

\_\_\_\_. Proposed Dallas Streetcar Line. It is the intent of the 82nd Legislature of the State of Texas to express support for and urge the Texas Department of Transportation to provide funding for the promotion of economic development through the construction by the City of Dallas of a streetcar line connecting downtown Dallas and Oak Cliff.

**Amendment No. 313 (by Alonzo)** (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Cook, Craddick, Creighton, Crownover, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Geren, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hunter, Isaac, Jackson, P. King, S. King, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Orr, Otto, Parker, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, Smithee, L. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 343

Amend **CSHB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

\_\_\_\_\_. Offer of Certain Real Property to Nonprofit Corporation. (a) In this section, "nonprofit corporation" means a corporation governed as a nonprofit corporation under the Business Organizations Code.

(b) It is the intent of the legislature that the Texas Department of Transportation is authorized to take title to unusable remainder real property not to be used for right-of-way purposes as part of the acquisition, from funds appropriated to the department, of real property for right-of-way purposes.

(c) Notwithstanding Section 202.021, Transportation Code, the Texas Department of Transportation shall offer the real property described by Subsection (b) to a nonprofit corporation designated by the municipality in which the real property is located or, if the real property is not located in a municipality, by the county in which the real property is located, without cost or expense to the designated nonprofit corporation.

(d) Property acquired under this section by a nonprofit corporation or by another entity from a nonprofit corporation that acquired the property under this section must be used for the public purpose of development and diversification of the state economy.

**Amendment No. 314 (by Alonzo)** (Aliseda, C. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 344

Amend **CSHB 1** in Article VII of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Department of Transportation:

\_\_\_\_\_. Use of Emerging Fund Managers for Investments. (a) To the extent that the Texas Department of Transportation contracts with private professional investment managers to manage or assist in managing money appropriated to the department by this Act or otherwise acquires private financial services for money appropriated by this Act, it is the intent of the legislature that the department shall make a good faith effort to award contracts to or acquire services from qualified emerging fund managers.

(b) For purposes of Subsection (a):

(1) "Emerging fund manager" means a private professional investment manager that manages assets of not more than \$5 billion.

(2) "Private financial services" includes pension fund management, consulting, investment advising, brokerage services, hedge fund management, private equity fund management, and real estate investment.

**Amendment No. 315 (by P. King)** (Alonzo, Alvarado, Anchia, Branch, Burnam, Coleman, Deshotel, Dukes, Dutton, Farrar, V. Gonzales, Gutierrez, Hernandez Luna, Johnson, Mallory Caraway, Marquez, Martinez, McClendon, Menendez, Muñoz, Naishtat, Price, Quintanilla, Rodriguez, Schwertner, Truitt, Villarreal, Vo, and Walle recorded voting no.)

Floor Packet Page No. 376

Amend **CSHB 1**, in Article IX, by inserting the following rider, appropriately numbered, in Part 3:

3.\_\_\_\_\_. Contingent Rider: State Employee Furlough. Contingent on **HB 2720**, or similar legislation of the 82nd Legislature, Regular Session, authorizing state agencies to furlough employees, being enacted and becoming law, the money appropriated to each agency under this Act for employee wages and salaries for the state fiscal year ending August 31, 2012, and the state fiscal year ending August 31, 2013, is reduced by an amount equal to three days' wages or salary for each employee of the agency.

**Amendment No. 316 (by Patrick)** (Aliseda, C. Anderson, R. Anderson, Aycock, Berman, Bohac, Button, Cain, Christian, Cook, Craddick, Creighton, Dutton, Flynn, Frullo, L. Gonzales, Gutierrez, Hancock, Harper-Brown, Isaac, Kolkhorst, Landtroop, Laubenberg, Lewis, Lyne, Parker, Perry, Phillips, Price, Sheets, Simpson, V. Taylor, White, and Zedler recorded voting no.)

Floor Packet Page No. 390

Amend **CSHB 1** as follows:

(1) On page IX-71 of Article IX of **CSHB 1**, add the following appropriately numbered rider:

\_\_\_\_\_. Contingency Appropriation for **HB 862**. Contingent on passage and enactment of **HB 862**, or similar legislation relating to putting the State Board of Education and the State Board for Educator Certification under periodic review by the Sunset Advisory Commission, amounts appropriated on page III-2 of the Texas Education Agency bill pattern in Strategy A.2.4, School Improvement and Support Programs are hereby reduced by \$115,000 in General Revenue fiscal year 2012 and \$66,000 in General Revenue in fiscal year 2013, and amounts

referenced on page III-13 in Texas Education Agency, Rider 38, Funding for Regional Education Service Centers, are hereby reduced by \$115,000 in fiscal year 2012 and \$66,000 in fiscal year 2013.

Contingent on passage and enactment of **HB 862**, or similar legislation relating to putting the State Board of Education and the State Board for Educator Certification under periodic review by the Sunset Advisory Commission, amounts appropriated elsewhere in this Act for the operation of the Sunset Advisory Commission are hereby increased by \$115,000 in General Revenue in fiscal year 2012 and \$66,000 in General Revenue in fiscal year 2013.

**Amendment No. 317 (by Eiland)** (Aliseda, C. Anderson, R. Anderson, Beck, Branch, Burkett, Button, Carter, Cook, Craddick, Creighton, Crownover, Dutton, Eissler, Fletcher, Flynn, Frullo, Geren, Gooden, Hancock, Harper-Brown, Huberty, Hughes, Kleinschmidt, Kolkhorst, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, Orr, Patrick, Paxton, Perry, Phillips, Price, Sheffield, Shelton, T. Smith, Solomons, L. Taylor, Truitt, White, and Zedler recorded voting no.)

Floor Packet Page No. 422

Amend **CSHB 1** (house committee printing) in Article XI, insert the following appropriately-numbered rider and renumbering any subsequent riders and updating any cross-references accordingly:

\_\_\_\_\_. **CONTINGENCY APPROPRIATIONS.** Contingent upon the enactment of **HB 259**, or similar legislation, relating to an assessment on subscription video service providers, by the Eighty-second Legislature, Regular Session 2011 and contingent upon the Comptroller's certification of available General Revenue of approximately \$240 million in for the biennium above the Comptroller's 2011 Biennial Revenue Estimate, the General Revenue generated by the legislation shall be appropriated as follows:

(a) On page II-21, for Total, Goal A. Children with Disabilities, strike "156,619,856" for year 2012 and substitute "222,228,813" and strike "156,618,368" for year 2013 and substitute "235,068,075" to fully fund at recommended levels.

(b) On page II-34, for Total, Goal C: Prevention Programs, strike "24,123,549" in year 2012 and substitute "45,883,571" and strike "24,123,550" in year 2013 and substitute "45,883,571" to fully fund at 2010-2011 levels.

(c) On page II-46, for strategy B.2.6 Reduce Use of Tobacco Products, strike "2,662,173" in year 2012 and substitute "9,450,315", and strike "2,115,062" in year 2013 and substitute "9,450,315" to fully fund at 2010-2011 levels.

(d) On page II-47 for strategy C.2.1 Mental Health Community Hospitals, strike "29,239,096" in year 2012 and substitute "48,388,046.50" and strike "29,239,096" in year 2013 and substitute "48,388,046.50" to fund near recommended levels.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Licensing and Administrative Procedures, 9 a.m. tomorrow.

Business and Industry, 8:30 a.m. tomorrow.

(Speaker in the chair)

### **CSHB 1 - (consideration continued)**

#### **CSHB 1 - REMARKS**

REPRESENTATIVE GIDDINGS: By now each member pretty much knows where the others stand on this budget. And I don't believe for a moment that anything that I say at this mic or, for that matter, anything that anybody else says at this mic at this time is going to change anyone's mind here today. But my comments, really, honor the advice that my dad gave me years ago. He said two things that I think are applicable to a time such as this, for a moment such as this. What he told me, and I'm sure it was not an original thought, but what he said to me is, "that if you ever get to a place where people will listen to you, you no longer have the luxury of speaking for yourself; but you must speak for those who have no voice." So today, I speak for the children, whose educational opportunities are sharply curtailed because of the elimination of full-day pre-K, which helps students who are not less intelligent, but less exposed.

In view of the fact that we know if we invest one dollar in early childhood education the dividend is seven dollars, the elimination of the \$223 million in funding not only hurts the future of these young children, it hurts the future, the prosperity, and the competitiveness of our state.

I speak for the students who will not get to college because we're cutting back on financial aid. Fifty thousand fewer TEXAS grants will be available in 2013 than today. We are cutting funding for universities, fewer dollars for financial aid, cutbacks in college funding. Cutbacks in tuition dollars amounts to a severe setback for those who would seek a college education. One of the lessons that we learned in South Africa is that no society can survive and thrive using the talent of only half of its people, and that's where we're headed with this bill.

I speak for the 90,000-plus school employees who will lose their jobs. I speak for the elderly, those in their 70s, their 80s, and their 90s, who will not be able to live in nursing homes, and for those who would like to live at home, and will perhaps be subject to heatstroke, because we are reducing the discount on utility bills. I speak for those who have no voice, but those Texans also sing "Texas, Our Texas." And then my dad said, "some things are worth fighting for, even when you know you can't win." And so I fight for Texas tonight, and its residents, and those who are the least of those. And I believe that we will rue the day that we took many of the actions that we are taking in **HB 1**, and we will feel the ill effects of the dismantling of our infrastructure, I believe, for years to come.

Just because you can do something and just because you have the numbers to do that something doesn't mean you should. Yes, we have less revenues, and yes, we have fewer resources, and yes, we had to do some cutting, but we could've done better. Our approach was not as balanced as it might've been. We needed a combination of cuts of new revenues and more of the spending of the rainy day fund. The question that I like to ask myself at the end of the day is, "are the people of Texas better off because of the action that we're taking here tonight on this budget?" I cannot say that Texans will be healthier. I can't say that they're going to be better educated. I cannot say that the least of those are no worse off. The children, the elderly, the college students, in my mind, are all

worse off. What I can say is this is a day of reckoning, in my view, and in my view we don't measure up to what Texas ought to be about. And so I must vote no, with all due respect, on this bill, because I do think that there are people who have worked extremely hard under some very difficult circumstances and did the best that they could do, but tonight our best simply isn't good enough.

REPRESENTATIVE STRAMA: I rise in opposition, with all due respect to the chairman of the committee, the author of the bill, and the members of the committee who worked hard. It is a testament to their work that your amendments and my amendment presented such agonizing choices because we were working under the constraints of such limited revenues, relative to needs, that every choice to move money took from something that is a priority to almost all of us to give it to something that is a priority to almost all of us. So we appreciate all the hard work that went into making those terrible choices.

The mistake that we made was when we adopted a calendar rule that prohibited us from tapping into the rainy day fund in the next biennium to mitigate some of these cuts and fund some of the priorities that each of you introduced amendments to fund. That is an avoidable mistake. I heard it said many times that we do not have the money to fund these programs, but we patently do and we've simply made a choice not to access them.

Let me talk for a moment about the statistics I've cited in the discussion of amendments that removed funding from family planning services and moved them to other important priorities. I mentioned that in California, a state that is a third bigger than Texas, the growth in the population of children, age zero to five, is 212,000 over the last decade. They have 212,000 more children, age zero to five, at the end of the decade than they started with. We had 388,000 more children between the ages of zero and five at the end of this past decade than we started with. Our growth rate among children, the age zero to five, is nearly double that of California's, a state that is a third bigger than we are. What that means is that our financial difficulties here are not just caused by the recession, and not just caused by the structural deficit due to the margin's tax failure to make up for the property tax cut we all voted for. They are also because those children don't pay taxes yet. They are an expenditure, but they are also an investment.

If you are a business and you are confronted with an explosion of costs that are core to your mission, you find a way to fund them. If that means dipping into your reserves, you dip into your reserves. If that means credit is necessary to sustain you as a business, you access whatever credit you can find. If that means you may have to adjust your pricing structure in order to fund the essential mission of your business, you reconsider your pricing structure. That is the position we are in. If we are going to fund education for this exploding population of children that we either educate now, or plan on spending a lot of money on law enforcement in prisons later. That is the situation we are in.

In the course of the discussion about funding public education, I heard from one constituent who attended a meeting where an advocate of reducing expenditures on public education compared this crisis to draining a lake where you can find out where the mess is on the bottom of the lake and clean it out, as a metaphor for some of the inefficiencies in public school spending. And this 19-year-old asked me, "What happens to the fish?" There is no evidence. While there is a concern that public education spending has increased without impressive results in test scores, there is no evidence that spending \$7 billion less on public education will do anything other than diminish the quality of education

of our children at a time when they need it most. How we can consider cutting public education in the globally competitive economies that these children are going to be in when they reach the work force is unfathomable to me.

Many will vote for this bill and say I voted to move it to the senate where it will get better. It is not their job. It is our job, too. With all due respect, I ask you to consider voting against this bill, send it back to the committee. Let's put the revenues in it necessary to fulfill our core mission.

REPRESENTATIVE CASTRO: I know that this has been a very difficult two days for all of us. Regardless of where you stand on this budget the choices that we have faced are very hard ones, I know, for everyone. A few weeks ago the effects of the budget, for me, really came to life. I was invited to speak at a rally here on the south steps, as we see many rallies during the legislative session, and it was a group of parents who were here with their medically fragile kids. These were kids that were in wheelchairs, many who couldn't talk, who were literally writhing in their chairs, many of them on oxygen. And I spoke, and there were probably 100 to 150 people there, and I said, "We'll do everything that we can to help you. There are many of us here that are going to fight these cuts." And as I was walking back into the Capitol, there was a woman that had a picture of a child, of a young boy, and I asked her in a tone, that I think now was a little too chipper, I said, "Oh, is that your son?" And she said, "Yeah, that was my son. He died in 2003 after the cuts that the legislature made back then." Where do you go in that conversation after that?

This budget and this bill represent, more than anything else, a choice that the republican majority is making. We're not confined by political or economic fate to accept this budget, to forgo the priorities of education, health care, and nursing homes. This is a choice. What I could have told that woman was that this legislature, instead of choosing your kid, and your folks, they're choosing not to raise the cigarette tax by 25 cents or 50 cents. They're choosing not to close corporate loopholes so they can make more revenue. They're choosing not to do any gaming. They're making that choice. They are sacrificing you because they don't want to close any tax loopholes, because they don't want to raise any new revenue. Eighty thousand kids are not going to get their scholarships and grant money because of this bill. Forty-three thousand people are going to get kicked out of nursing homes or get denied nursing home entrance because of this bill. Three hundred and thirty-five thousand jobs, Texas jobs, are going to go away because of this bill. You know, often times when you propose a piece of legislation, and I think the freshmen will understand this as you serve here in your first and second and third terms, anything that you do that looks like it'll kill jobs or hurt jobs, people will say, "Well, we can't do that because you're going to hurt jobs, you're going to kill jobs, you're going to hurt economic development." This bill is hurting economic development. You're killing 335,000 jobs. So, just as the argument that if you raise taxes, we don't want to raise taxes because we're going to hurt jobs. Well, you're killing 335,000 jobs. So does that mean you may as well raise taxes?

Saturday was a very odd day. This is my fifth term here and I've never seen people argue the way I saw on Saturday night, or Friday night. What I saw was a kind of fiscal cannibalism on this floor. People trying to take money from senior citizens or college students to give to senior citizens, from state hospitals to give to college students, from one person's district because it would benefit another person's district. And I couldn't help but think that the reason that we became fiscal cannibals here is because the governor of the State of Texas put the

legislature in this sandbox, which many folks here refuse to get out of. He has said that he doesn't want to use any more of the rainy day fund, that he doesn't want to raise revenue. And so everybody becomes a cannibal trying to take from each other. I don't think that we should be trapped by the ideology of one person with political ambition, trapped by the political ambition of one governor. These are false choices that we make.

Finally, after I finished that rally I came back to my office and they gave me a DVD, and I watched this DVD on the medically fragile kids. And I really started to wonder, why are you here? I'm sure all of us have wondered that at one time or another. And you tell people to come into your office, they ask you to help, and you tell them yeah, of course I'm going to help, and you realize that they've got to convince somebody else if they're going to be successful. That's quite a powerless feeling in politics. So, when I speak to the folks—I had an amendment for the medically fragile kids, I think it was on page 213 or 214. I'll tell them that it was struck down by a point of order because we can't take from the governor's Emerging Technology Fund.

REPRESENTATIVE MARTINEZ: Mr. Speaker, members, everything is bigger in Texas, especially when it comes to this budget. With a gaping \$27 billion shortfall, one of the largest uninsured populations, cuts on our elderly, and most of all, being ranked 44th in education. This bill doesn't make it any better, and I surely don't believe we want to be ranked 50th, but this bill paves the way for that. We should be striving to be number one. Representative Reynolds mentioned that in his debate on Friday night. We should be striving to be number one in education, in health care, in everything that is about Texas and for Texans.

I, as many of you, have probably received hundreds of e-mails and phone calls about **HB 1**. Throughout the hundreds of e-mails and phone calls, not one, members—not one—has been in support of **HB 1**. Not one Texan, or e-mail, has said that they are for 300,000 Texans losing their jobs in both public and private sectors, or saying they're okay with the closing of nursing homes, and our sick and elderly being left out in the street. Not one person has mentioned that they are okay with hurting one of our most important investments—Representative Gallego, you and I talked about this—our most important investment, our children—by cutting education budgets, and the hundreds of thousands of teachers who will lose their jobs as a result of this bill.

I, as many, can't go home and say that we've supported a bill that hurts education, health care, and most of all Texans. I have the utmost respect for our chairman, Chairman Pitts, and the work that he has done on this bill. But, unfortunately, members, this bill today does not help Texans tomorrow.

REPRESENTATIVE D. HOWARD: I too want to thank Chairman Pitts and all the members who have worked so hard on this, and I know we're all here because we're trying to do the best that we can. But that being said, I am here to speak against **HB 1**. As we've been hearing from all the other speakers, everything that we do here is about choices. **HB 1** is predicated on a false choice: the choice to balance our state's budget through cuts alone. The choice of those in power to force this upon us completely shut down any discussion of ways to find a more balanced approach, which would have included cuts, but would also have responsibly looked at utilizing funds from the Economic Stabilization Fund and/or additional sources of revenue.

This budget is a choice to go ahead and lay off teachers and principals, nursing home caregivers, and thousands of state employees, rather than engaging in a responsible discussion of those priorities that keep our state moving forward. No matter how low our taxes, no matter how few our regulations, no matter how much tort reform we have, businesses will stop coming here creating jobs if we don't provide an educated workforce. Because, you see, there has to be a balance between a strong business environment and a healthy infrastructure that supports those families that come here with those businesses and those who work in those businesses. What we're doing here tonight will have a devastating impact on our economic prosperity for years to come.

I also want to say something about those who have justified a cuts-only approach by claiming that we can only spend what we have, that we have to live within our means. I find this very disingenuous. The truth is, we have allowed political rhetoric to box us into a corner by allowing the perpetuation of the myth that we can provide something for nothing. That's simply not true. Rather than have honest discussions with the citizens of this state about what we want government to provide, how much it should cost, and how we should pay for it, we have perpetuated a false impression that our revenue is sufficient, that government is bloated, and that cuts are the only way to balance a budget. I have a hard time believing that when the LBB indicates we're 50th in the nation in terms of expenditure per capita. I have a hard time believing that when only 70 percent of our students end up graduating from high school. I have a hard time believing that when 50 percent of our students who enter higher education need to take remedial courses because they are not prepared for college-level work. And I also have a hard time believing our claims of holding the line on taxes—wink, wink—while we push costs down to local governments and local taxpayers who are left to foot the bill.

**HB 1** gives us a budget that sacrifices fiscal responsibility in the name of fiscal conservatism. I think we're better than that. I know Texas is better than that. I am not willing to sacrifice our future with the false choices we have been forced to make. I am voting against **HB 1**, not because I think we can solve all our problems by spending more money, but because I know we won't solve our problems if we just cut. On behalf of teachers, students, nursing home residents, state employees, and Texas families, that's not a choice that I'm willing to make.

**REPRESENTATIVE VILLARREAL:** Speaker Straus, Chairman Pitts, thank you for giving me the opportunity to work in Appropriations, but I'm afraid we went about it the wrong way. In this process, we cut and then we prioritized, when we should have first prioritized before we cut what we value least. Let me explain. Before we prioritized, those in control of the legislature cut the option of using a single dime of the rainy day fund for 2012 and 2013. Before we were allowed to prioritize, they cut the option of making big corporations pay their fair share of taxes by eliminating tax loopholes we can no longer afford.

We should have placed all these options on the table. We should have evaluated every expenditure, whether it is in our budget or in our tax code, because an expenditure is an expenditure, and then we should have prioritized. But because we did not, this republican budget fails to reflect the people's priorities: protecting education and keeping nursing homes open. Because we did not first prioritize, the budget cuts state support for public education by 21 percent. Twenty-one percent.

To put a face on it, I think of my own children. And for me they are a reflection of children that I know who are all across this state, not just in our big cities, but in our small little towns and in our suburbs. I see them developing a love of art and music. I see them playing with science. I see them developing a passion for math and history and literature and so many other subjects. This budget harms my children and all of our children. This budget harms their dreams, their future. It harms their parents' dreams for them. It harms our state's efforts to grow an educated workforce, to compete in the global economy.

You know, we are a state that only has 24 percent of its people with a college education. This is below the national average, and it is declining. This budget harms our ability to reverse that trend. Because we did not first prioritize, the budget cut state support for higher education by 21 percent and it cuts new TEXAS grants by 100 percent. There are high school students in my district and in yours who have done everything that we told them to do. They've taken the more rigorous courses, they've studied hard, they've made the grades, and they understood, because we told them so, that if they held up their end of the bargain, we would be there for them with financial aid. Because we did not first prioritize, we are now breaking that promise. We're shutting the door on their pursuit for higher education, a well-paying job, a better life.

Because we did not first prioritize, the budget cuts nursing homes by 33 percent. From San Antonio, to Nacogdoches, to Corpus Christi, all across this state our moms, our grandmothers—they are going to be harmed. They've raised their families, they've worked hard. All they asked was that their final years be lived with a measure of dignity and comfort. This budget rips that from them. This budget closes thousands of nursing homes, leaving our elderly Texans in the street.

Because we did not first prioritize, this budget does not use a single dime of the rainy day fund. I've heard people stand up over the last few days and say they care about our children, our vulnerable Texans, children with mental health needs, children with autism, but in their actions—because we did not first prioritize, a vote for this budget says hoarding the rainy day fund is more important than these children and vulnerable Texans. Because we did not first prioritize, this bill is not based on closing a single tax loophole. If you vote for this budget, you are voting to value tax loopholes for big corporations over the quality of education for our children and over keeping nursing homes open. Because we did not first prioritize, the budget diverts billions of dollars.

Texans want us to be honest with them. They want a transparent and accountable budget process, but this budget takes fees paid by Texans, tells them they are going to a worthy cause, like helping poor seniors pay their electricity bill, or helping aspiring CPAs take their fifth year of accounting, and then it hides the money some place else. Because we did not first prioritize, we have been boxed into false choices between valuing seniors over children, or women's health over children's health.

I've read in the clips statements by some colleagues who say we want to know where democrats stand. Well, let me tell you very clearly where we stand. We value the quality education found in our schools. We value keeping nursing homes open. We want big corporations to pay their fair share of taxes. We want a balanced budget that uses some, not all, but some of the rainy day fund so that we can deliver a budget that really represents the morals of our state. Mr. Speaker, please show me voting no on this budget, because it fails on all counts.

REPRESENTATIVE DUTTON: I am speaking on **HB 1**. Some people are a little confused by that and wondered why I'm not against it or for it. This is my 14th opportunity in developing a state budget, which means it's my 14th session here. And one of the things I know is that this is really not the budget. This is really not the budget. When it comes back from the senate, after five people from the house and five people from the senate get together, it will look nothing like what **HB 1** looks like now. And for that reason I decided to speak on it, and the other reason was because I know that—I'm under no illusion, though, that speaking here today will change anybody's mind about how they would vote on **HB 1**. I know that. But I started thinking about it when I got the budget and I took it and started looking at it because as most of you know, I'm not afraid of having amendments.

That's one of the first things I learned when I came to this house, is how to do amendments. And so I took **HB 1** and I started going through it, and I realized something: that I couldn't fix it, that I couldn't fix it. In fact, what had appeared to me to be almost like was, if you can just imagine with me for just a moment, a house that's on fire and you go in this house and there are school children in one room and you got to decide, well, do I save them? But then, you look in the other room and there are senior citizens in that room and they are also in the same burning house. And then, there are university students in that house. And then I finally figured out, I couldn't save anybody in this fire. And then I started to wonder, well, why? Why did the legislature, why did the house of representatives never do anything to put the fire out? I mean, why did we do nothing? Why did we simply just try to say, "Well, all we can do is lose some of those folks. Some of the school children in their room, some of the senior citizens in their room, the students in their room. That's all we could do."

And I thought about it, and I realized why, and it's because, members, the campaign ended back in November, but somehow another came in that door when some of us came in here. And I've been here long enough to recognize that campaigning is a lot different than governing. It's a lot easier to campaign than it is to govern, because you can say just about anything you want during a campaign. I can talk about moving the capital of Texas back to Houston, I suppose. But I could do that all day long, I could say anything I wanted to, but when you come inside those doors, the campaigning has to stop and you have to govern. And governing sometimes presents difficult choices, and I don't think, though we made the difficult choices—I think what we did was make the campaign choices. And so, members, like I said, I've been here 14 sessions, and the one thing I'd never thought I'd say was, thank God for the senate.

REPRESENTATIVE TURNER: Mr. Speaker and members, to Chairman Pitts—and before I get started, let me just say that I have had the privilege of working with Chairman Pitts on the Appropriations Committee in the past. I've had the privilege of serving with him on the Appropriations Conference Committee in the past and I know that the work is not easy, the hours are long, it's tedious, and in this particular session, I know it was more difficult than those in the past. And so before I even get started, I want to, as a member of the Appropriations Committee—even as vice-chair—to commend him for his hard work, for his labor, for the time he has spent on this. I know it is not easy, but he has done it with style and class and I commend him for it, and I think this house should commend him as well. To all of the subcommittee chairs, I've had a chance with them and I count them and view them as friends and I respect them dearly.

I stand before you this evening, in the position I've taken, because in large part the issues before us—it's bigger than Chairman Pitts, it's bigger than the subcommittee chairs, and it's bigger than me, quite frankly. The issues are just bigger. If this was a referendum of my respect and admiration and friendship for Chairman Pitts, I would vote for this bill, and if this was a referendum of my respect and admiration for those who head the various subcommittees I would vote for this bill. But, it's bigger than that, it is much, much bigger than that.

On March 4, I received a letter from a sixth grader who happens to live in Representative Dan Huberty's district. I want to read to you in part what she wrote. She said, "My name is Marcel Simmone Ferrar. I am from Kingwood, Texas. I am 12-years-old and in the sixth grade at Creekwood Middle School. I've heard we are having some problems with money. They might cut electives and some teachers. But, I'm starting to get scared because at first I thought it was just a rumor, but things started to get serious. In school we learn about heroes who take a stand, and that is what I would like to achieve in this letter. I want to make a difference." She says some other things, and then she goes on to say another thing, "I would like to say that if you cut teachers, not only my generation, but the generation after mine will have less educational opportunities. More kids will have to go to our classes and each kid will not have enough attention." And then she signs it, "Sincerely, Marcel Simmone Ferrar. I am proud to be an American and to one day to be free to vote. I deserve a good education." I kept this letter because I was deciding whether or not I was going to speak on it or not.

I've had the privilege of serving on the Appropriations Committee under Speaker Laney, under Speaker Craddick, and now under Speaker Straus. And out of all of those times, all of those times, I have voted for the Appropriations Committee bill six out of seven times. I have voted on the floor of this house for appropriations bills six out of seven times. This is the first time in my 12 years of being on the Appropriations Committee that I will not cast an affirmative vote for this bill. Let me tell you why. This has been an eventful weekend for me. Representative Alma Allen's husband's funeral, my brother-in-law's funeral on Saturday as well, and two months ago, my best friend and law school classmate from Harvard died. And it's brought things home to roost for me, that tomorrow is not promised. And so you have to start wondering, you say to yourself, "What then will be your legacy?" What do you leave, and who knows what tomorrow will bring?

Let me tell you what this budget achieves—and I'm sure Chairman Pitts will tell you as well—that do we reduce the size of government? Absolutely. Do we reduce spending? Absolutely. Do we preserve most of the rainy day fund? Absolutely. And do we leave the franchise tax intact? Absolutely. But, let me also tell you what the consequences are. When we look at the educational system, it is a system that we are dismantling. Textbooks underfunded at \$315 million, pre-K programs significantly reduced, \$800 less for students—the approximate 170,000 kids that we are expecting over the next two years, we pretty much are treating them like they are not coming into the system. And you have heard of the thousands of school teachers and others that will be laid off. I could go on and on, you've heard it before. You already know it, I'm not going to waste your time on that. But, one thing I think we all know is that education is important. When we leave here at the end of May, we will go out and not one of us, not one of us, will talk down education, because we recognize its importance. This bill dismantles educational infrastructure in the State of Texas.

On the health care side, you can go down the list, you've heard it before, I'm not going to take a whole lot of time. But, when it comes to provider rates—doctors, right now in our current system, only 42 percent of our doctors are providing their assistance to these Medicaid individuals. This bill will reduce it even more. Under the current system, we are only paying six percent of the cost that our hospitals are assuming right now. Under this bill, it will be even less. And this bill will literally force some hospitals to close, literally. And it doesn't matter if we are in rural Texas, suburban Texas, or urban Texas. This bill, when you vote on this bill, you will be forcing some hospitals to close and bear significant costs. When you talk about people with developmental and intellectual disabilities, we are cutting the rates, literally in this bill. There are people who want to live in their communities, people who want to live in their homes, people who want to work, and we are denying them the assistance that they will need because they want to live independent lives. This budget will literally shut the doors for many of those people. When you talk about mental health services—Representative Christian had an amendment not too long ago, I share your concern. But for so many other people, this bill will shut the doors for many of them. Let's talk about nursing homes and Representative Christian, you said 48-hours ago, "48-hours later, nursing homes will be attended to." Forty-eight hours have come and gone and the nursing homes remain the same. One survey says that 80 percent of the 1,000-plus nursing homes will close. The Health Association said, conservatively speaking, 50 percent will shut their doors. That's about 4,300 elderly and disabled people. Fifty thousand employees in the nursing home industry will lose their jobs. We are talking about the elderly and people who are disabled. And in this budget, in this budget, literally, those doors will shut on the elderly and those who are disabled, literally.

Not one of us, not one of us, will leave this chamber and go back to our district and take ownership of those cuts. Not one of us will say what we did in closing these homes, "We're proud of it." On shutting these facilities or community-based programs, "We're proud of it." Not one of us. And literally, they will close and our response is that down the road, we will fix it. But, this is the people's house. I have been here for 22 years, this is the people's house. We don't wait on the senate to save us. We don't wait for the senate to give us cover. This budget, **HB 1**, reflects the house values. It reflects who we are and when we vote for it, if you vote for it today, you adopt it as your values—what we stand for. The other day, when I was in my district, a lady asked me, "Sylvester, how do you expect to go and prevail when the numbers are not on your side?" And my response to her, "I'm going back to Austin, Texas, and my position is not as a democrat, and I won't talk to them as republicans or democrats. My appeal will be to them as Texans, as Texans." And it doesn't matter where you live, we are Texans. When the issue came up a few weeks ago, months ago, in reference to the four community colleges that were being closed, I understood what Representative Bonnen was saying—we are keeping them open. But just like those community colleges remain open, what about the rest of the people in the State of Texas? What about our children? What about our teachers? And what about the elderly?

I want to close with this—at the beginning of this session, I joined with Representative Simpson and others in an inaugural sermon that was held here on the first day of the session, and we talked about recognizing that we must believe in someone greater than ourselves. I still, on this day, believe that. But, it will not get better as long as we take positions, and if we are counting who wins and

who loses, when we are dealing with real, live individuals, it will not make any difference. Today, I went to church—quite frankly, I stayed for two services, not just one, and before I left, I stopped by to see my mom—86-years-old, has been suffering with Alzheimer's for seven-and-a-half years. We have providers around the clock, 24/7, and I believe in a large part, that's why she's still alive. Four years ago, the doctors said, "Put her in the hospital." We took her home, put providers around the clock, family rallied around her—four years later, with God's blessing, she is still here. But, we can afford those providers. We can afford to have them with my mom. And in part, do you know why? Because, her children are educated, and her children are working, and her children are taking care of her.

But today, in this budget, you are cutting the future of the children of the State of Texas. And you will not just hurt them, you will hurt those that have yet to come. I can't vote for it. And I will not. I won't vote for it, and neither should you, because it's not about the senate to save us. If this is the Texas House, the house needs to stand up. This budget, I cannot and will not support, because it hurts too many when it should not. And it's not about this governor, it's about our districts. Representative Christian, if all the rest of you, if you heard in your district, and you need help, I will stand with you. And it doesn't matter if we are republicans or democrats. At the end of the day, we are either Texans and we go up together, or we are Texans and we go down together. This budget is not worthy of the Texas House of Representatives.

REPRESENTATIVE PITTS: Mr. Speaker, members, when we first started this debate on Friday morning, I told you that this budget does four things. It lives within the available revenue that we had to work with, it does not rely on new taxes to pay for government programs and services, it does not spend a dollar of the Economic Stabilization Fund on any ongoing spending obligations, and finally, it reflects on the principles of limited government. This budget is the result of the worst recession that anyone in this room has ever experienced. Members, after over 25 hours of discussion and debate reflected in the changes made by this body, I'm here to tell you that this bill still does each one of those things.

Now members, I know this bill is not perfect, and it is very hard to follow my very eloquent colleagues who have spoken against this bill. Dr. Zerwas and Garnet Coleman, we know this bill does not address all the costs we face in health and human services. Lois and Sylvester, we know this bill does not contain significant cuts to our criminal justice system. Representative Branch and Representative Villarreal, we know we have significant work to do in higher education and TEXAS grants. Representative Aycock and Representative Hochberg, as you well know, this budget leaves many school districts facing steep reductions in state spending. But members, I will tell you, this budget does fund the essential services of state government within our available means. I believe this bill is an improvement from what it was when I first came to you in January and explained the bill, and I believe it can be improved further. And I believe it will be. We will continue to find savings to improve efficiencies and to find new tax revenue to help meet some of our outstanding needs. In order to do these things, we must continue to move this bill forward through the process. Members, passing this bill today is a vital next step in the process.

Before I ask you to vote, I want to thank many members here on the floor that worked so hard and have gotten us here today. Mr. Speaker, thank you so much for giving the members of Appropriations the opportunity to work on this

bill. And to Denise Davis, and Lisa Kaufman, and Andrew Blifford, and Chris Griesel, and the rest of the speaker's staff, I want to thank you. John O'Brien and Wayne Pulver and everyone else at the LBB have spent many, many hours working on this bill with us. Amy Peterson and the staff of the committee, Nelda, Heather, Hunter, Joaquin, Jonathan, and Blake have been with us through all of this process and spent many hours with us. But most of all, I want to thank the members of Appropriations. To my friend, Sylvester Turner, who has worked really hard on this bill to make it better and will continue to work hard to make it better. Our talented subcommittee members John Zerwas, Drew Darby, John Otto, Scott Hochberg, and Jimmie Don Aycock, thank you for working so diligently for over 200 hours on this bill. Mr. Speaker, I want to thank you for giving us a fantastic and hardworking committee. No one complained about meeting at 7 o'clock or working until 10 or 11 o'clock at night. No one complained about meeting on Saturday or Sunday when we had to. We were all hardworking individuals to make this bill better.

Members, I ask you today to vote yes for **CSHB 1**, but I want to promise you that we will do everything we can in conference committee to bring back a better bill. With that, Mr. Speaker, I move passage.

### REMARKS ORDERED PRINTED

Representative Gallego moved to print closing remarks on **CSHB 1**.

The motion prevailed.

### STATEMENT BY REPRESENTATIVES HUNTER AND TORRES

We support TCA and will help the programs. Any transfer should be offset in the budget process.

(Solomons now present)

**CSHB 1**, as amended, was passed to engrossment by (Record 259): 98 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Turner.

Absent, Excused — Allen.

### REASONS FOR VOTE

In our current recovering economy, the legislature is faced with three challenges: passing a constitutionally required balanced state budget; passing a taxpayer prudent, no-tax increase budget; and providing for essential state services, including public education, public health, and public safety. With this in mind, the Texas House of Representatives has overwhelmingly passed **CSHB 1** as a prioritized baseline balanced budget to begin the legislative process of adopting a new state budget for the 2012-2013 biennium. This budget does not raise taxes on any citizen in the State of Texas.

For the taxpayers and schoolchildren of my district and Texas, I voted for the passage of **CSHB 1** only as a step forward in the budget process. In the coming weeks, I am confident that the Texas House and Texas Senate will work toward a final budget that prioritizes state spending on education with emphasis on funding for the classroom, essential state services, economic development, and public safety without increasing taxes.

Bohac

I refuse to vote for a budget that will hurt children, harm our elderly, and risk the lives of Texans. In my 20 years as a state legislator, I've never seen a budget so devastating. The cuts in **CSHB 1** are unsustainable and cut into the marrow. Our state may never recover from the cuts to essential state services in this bill, and maybe that's the design. Texas should pass a budget that funds the needs of all Texans. All we've done today is move around the deck chairs as the Titanic sinks.

Coleman

For the hardworking taxpayers and schoolchildren of Texas House District 134, I am supporting **CSHB 1** only as a moving forward step in the proposed state budget process. My support for the final proposed state budget will be predicated on the following: (1) prioritizing funding for public education with an emphasis on funding for teachers and classroom excellence; (2) prioritizing essential state services; (3) utilizing additional non-tax revenue uncovered in the budget development process to fund education and essential state services; (4) prioritizing cuts to ensure a fairly balanced budget; and (5) not increasing taxes.

S. Davis

After more than 30 hours of debate, my fellow members and I voted to pass **CSHB 1** from our chamber to the senate. It was a hard fought battle with more than 400 amendments offered for the bill. I chose to support the proposed budget while supporting several conservative amendments. I did not support the amendment to strip money from the arts as I believe this is an essential tool for the growth of our children long term.

I must commend Chairman Pitts and his Appropriations subcommittee chairs for their long hours of work to craft this document. They listened to more than 200 hours of testimony and made some very hard decisions. In the end, the State of Texas was only projected to produce \$164 billion over the next two years and we did what we could to make our budget match that prediction. The culmination of an ill-performing margins tax, a decrease in property value, and

low sales tax revenue created a perfect storm. I believe we did all we could with the current situation and hope to remedy some of those issues before we address the budget in the next biennium. While there is work to be done, I know we have worked within the parameters of the revenues provided and will continue to fight to ensure we have the revenues we need for our schools for the constituents of House District 127.

Huberty

For the taxpayers and schoolchildren of my district and Texas, I am supporting **CSHB 1** only as a moving forward step in the proposed state budget process. As the budget process continues, I will advocate for a budget that does the following: (1) prioritizes and increases funding for public education (emphasis on funding for teachers and classroom excellence); (2) prioritizes and increases funding for essential state health and other services; (3) prudently uses rainy day funds to supplement emergency/critical needs of the state, not supplant general state revenue (and protects an appropriate RDF reserve account); (4) prioritizes cuts to ensure a fairly balanced budget; and (5) does not increase taxes.

Keffer

For the taxpayers and schoolchildren of my district and Texas, I am supporting **CSHB 1** only as a moving forward step in the proposed state budget process. In the coming weeks, I am confident the house and senate can negotiate a budget that does the following: (1) prioritizes and increases funding for public education (emphasis on funding for teachers and classroom excellence); (2) prioritizes and increases funding for essential state health and other services; (3) prudently uses rainy day funds to supplement emergency/critical needs of the state, not supplant general state revenue (and protects an appropriate RDF reserve account); (4) prioritizes cuts to ensure a fairly balanced budget; and (5) does not increase taxes.

Kuempel

For the taxpayers, seniors, teachers, and schoolchildren of my district, I wish to make it clear that I am supporting the passage of **CSHB 1** today as an early step forward in the evolving and ongoing budgetary process. When we consider the final state budget later this session, my support will ultimately be determined by a number of factors: (1) it does not increase taxes on the people of Texas; (2) it prioritizes funding for our public education system while placing a specific emphasis on in-classroom objectives; (3) it prioritizes funding for essential state health services for our children, the elderly, and the truly indigent; and (4) it thoughtfully prioritizes all spending reductions to ensure a fair and balanced budget.

Schwertner

### **HB 1 - MOTION TO SUSPEND CONSTITUTIONAL RULE**

Representative S. Miller moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 260): 99 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dutton; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Turner.

Absent, Excused — Allen.

Absent — Branch; Legler; Lucio.

### **HB 1 - VOTE RECONSIDERED**

Representative S. Miller moved to reconsider the vote by which the motion to suspend the constitutional rule and to place **HB 1** on its third reading and final passage was lost.

The motion to reconsider prevailed.

### **HB 1 ON THIRD READING**

(by Pitts)

### **CONSTITUTIONAL RULE SUSPENDED**

Representative S. Miller moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1** on its third reading and final passage.

The motion prevailed by (Record 261): 136 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Orr;

Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Castro; Gonzalez; Johnson; Lozano; Muñoz; Oliveira; Raymond; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen.

Absent — Burnam; Farrar; Guillen; Kleinschmidt.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 261. I intended to vote no.

Veasey

The speaker laid **HB 1** before the house on its third reading and final passage.

**HB 1** was read third time and was passed by (Record 262): 98 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Turner.

Absent, Excused — Allen.

The speaker stated that **HB 1** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

**HB 1 - ENGROSSED RIDERS**

Pursuant to Rule 2, Section 1(a)(9) of the House Rules, Representative Geren moved to send **HB 1** to the senate in the form of engrossed riders in lieu of a full engrossment.

The motion prevailed.

**ADJOURNMENT**

Representative Geren moved that the house adjourn until 1 p.m. tomorrow in memory of Beverly "Bev" Walsh.

The motion prevailed.

The house accordingly, at 10:34 p.m., adjourned until 1 p.m. tomorrow.

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 1**

Border and Intergovernmental Affairs - **HB 1254**

Business and Industry - **HB 8, HB 362, HB 558, HB 565, HB 964, HB 1118, HB 1259, HB 1390, HB 1428, HB 1617**

Corrections - **HB 1962, HB 1964**

County Affairs - **HB 1413, HB 1416, HB 1566, HB 1767, HB 1768, HB 1917**

Culture, Recreation, and Tourism - **HB 536, HB 1322, HB 1450, HB 1806, HB 2138, HB 2139, HB 2141**

Environmental Regulation - **HB 125, HB 1145, HB 1242, HCR 66**

Judiciary and Civil Jurisprudence - **HB 962, HB 1048, HB 1072, HB 1427, HB 1614, HB 1633, HB 1780, HB 2014, HB 2294, HB 3000**

Land and Resource Management - **HB 107**

Natural Resources - **HB 1319, HB 1759, HB 1760**

Pensions, Investments, and Financial Services - **HB 1061**

Public Education - **HB 6**

Public Health - **HB 35, HB 1816, HB 1965**

State Affairs - **HB 266, HB 1753, HB 1801, HB 2616**

Technology - **HB 3333**

**ENGROSSED**

**April 1 - HB 4, HB 71, HB 275**

**ENROLLED**

**April 1 - HCR 79, HCR 123, HCR 125**

**SIGNED BY THE GOVERNOR**

**April 1 - HCR 47**